

STATE OF IDAHO)
 : ss. Monday, December 1, 2025
County of Bingham)

THE BOARD OF BINGHAM COUNTY COMMISSIONERS MET IN REGULAR SESSION. The following matters were considered:

PRESENT: Chairman Manwaring
 Commissioner Jensen
 Lindsey Gluch- Commission Clerk
EXCUSED: Commissioner Jackson

STAFF MEETING

Present: Donavan Harrington- County Assessor
 Debbie Cunningham- Chief Deputy Assessor
 Dusty Whited- Public Works Director
 Jimmy Roberts- County Coroner
 Flint Christensen- Chief Deputy Coroner
 Scott Reese- Emergency Services/Parks & Recreation
 Sheri Landon- Court Supervisor
 Laraine Pope- Human Resource Director
 Jason Marlow- Building Maintenance
 Tiffany Olsen- Planning & Development Director
 Shawn Hill- Probation Services
 Cody Lewis- Treatment Court
 Jeff Gardner- Sheriff
 Jordyn Nebeker- Chief Deputy Sheriff
 Megan Kearsley- Elections Office
 Tanna Beal- Treasurer
 Carmen Willmore- Extension Office

Excused: Ryan Jolley- Prosecuting Attorney
 Gordon Croft- Blackfoot Chief of Police
 Pamela Eckhardt- County Clerk
 Laura Lora- Chief Deputy Clerk/Payroll
 Matt Galloway- IT Director

The Commissioners met with department heads and Elected Officials for the December 2025 Staff Meeting. Commissioner Jensen conducted Staff Meeting.

Pledge of Allegiance: Commissioner Jensen conducted.

Approval of Minutes for Staff Meeting held in November 2025: There were no changes to be made. Therefore, the Staff Meeting Minutes for November were approved as written.

Special Presentation: No special Presentation

Safety Concerns: There were no safety concerns.

Employee Years of Service Recognition: Sheriff Gardner recognized Miles Clark for ten (10) years of service to Bingham County. Sheriff Gardner stated that Miles started his career as a Reserve for the county, moved to part-time with the Sheriff's Office and is still considered a paid Reserve. Miles is the face of the agency and does an excellent job of representing the Sheriff's Office and Bingham County as the citizens enter into the Courthouse.

Chief Deputy Sheriff Jordyn Nebeker recognized Lieutenant Darrell Fellows for twenty (20) years of service to Bingham County and stated that Lieutenant Fellows has an impressive military career. Lieutenant Fellows is one of the few that made the rank of Master Gunnery Sergeant in the area and has deployed to many different places. Chief Deputy Nebeker stated that Lieutenant Fellows brings structure that is needed to the jail environment and anytime things are off track that may have risk to it, Lieutenant Fellows is the first to stand up to address the safety and security of the facility.

Shawn Hill recognized Laura Agado for ten (10) years of service to Bingham County and stated that Laura began her career as the Secretary, promoted to Lead Secretary where she now supports the Adult Probation Department and handles the financials. Shawn stated that Laura does an amazing job and is an asset to Bingham County.

Dusty Whited recognized Shawn Neff for ten (10) years of service to Bingham County and stated that Shawn started as a Truck Driver, moved into the Crusher Operator position and is now Senior Operator. Dusty stated that when the Blackfoot Lead is off, Shawn steps up and takes on that role and is a great asset to Bingham County.

Sheri Landon recognized Cody Lewis for ten (10) years of service to Bingham County and read a statement from Clerk Pam Eckhardt, which was as follows:

"Cody is the Treatment Court Coordinator and he is a county employee but he is considered a shared employee as he takes his direction from the Idaho Supreme Court and the Seventh Judicial District. As the title implies, Cody coordinates the Mental Health Court, Misdemeanor Drug Court and Felony Drug Court. He tracks over 100 participants who are working through substance abuse issues, which in turn affects family, work and personal stability. Cody coordinates with the treatment team, which consists of D7 Treatment Counselors, Probation Officers, Prosecuting Attorneys, Judges and Law Enforcement. He also coordinates with providers of housing, transportation, community support options and family support systems. Cody keeps up on the latest treatment court models and advises the Judges and treatment team. The three (3) judges that he works with in Bingham County appreciate his knowledge and guidance. He is professional and prepared each week for the staffing and court meetings with the participants.

Congratulations on ten (10) years with Bingham County"

Sheri Landon added that it is nice to see the court be proactive rather than reactive to situations and one thing that she has noticed with Treatment Court is even though a lot of time people think there is a high recidivism rate, during those two years that individuals are involved in treatment court and being watched and monitored, is making our community safer and is teaching them coping skills that are needed.

Chairman Manwaring: Had no updates at this time.

Commissioner Jensen: Stated that he would like to thank all county employees for the work they do for the county.

Donavan Harrington: Had no updates at this time.

Dusty Whited: Stated that mountain roads are officially closed but it is on the Commissioners agenda for Wednesday, to determine if the Board would like to approve a Resolution to re-open the roads due to there being no snow.

Jimmy Roberts: Had no updates at this time.

Scott Reese: Had no updates at this time.

Laraine Pope: Had no updates at this time.

Jason Marlow: Had no updates at this time.

Tiffany Olsen: Stated that Planning & Development has two (2) vacant positions, Permit Technician and Planner. Ms. Olsen stated that the county is still without a Surveyor and has been utilizing two (2) contract Surveyors to assist when needed. There are currently several Public Hearings to be held in front of the Commissioners, along with negotiating the Area of City Impact Agreements with the cities.

Shawn Hill: Stated that there is currently a vacancy in the Probation Department for a Misdemeanor Probation Officer.

Cody Lewis: Stated the Felony Drug Court Graduation will be held December 23rd at 4:00 p.m., and the Misdemeanor Drug Court Graduation will be held December 18th at 4:00 p.m.

Sheriff Gardner: Had no updates at this time.

Tanna Beal: Had no updates at this time.

Carmen Willmore: Had no updates at this time.

Megan Kearsley: Had no updates at this time.

Commissioner Jensen stated next Staff Meeting is scheduled for Monday, January 5, 2026 at 8:30 a.m.

Nothing further.

PROBATION DEPARTMENT

Present: Shawn Hill- Probation Director

The Board met with Shawn Hill to receive updates within the Probation Division.

MEETING TO REVIEW PLANNING & ZONING COMMISSION MEMBER APPLICATIONS, WITH POTENTIAL APPOINTMENT

Present: Tiffany Olsen- Planning & Development Director

The Board met to review Planning & Zoning Commission Member Applications, with potential appointment.

Ms. Olsen proposed appointment of Michael Tominaga as Planning & Zoning Commission Member for District 3 and Matt Thomson as Planning & Zoning Commission Member for District 2.

The Board had no concerns and were in favor of the proposal.

Decision: Commissioner Jensen moved to appoint Michael Tominaga as Planning & Zoning Commission Member for District 3 and Matt Thomson as Planning & Zoning Commission Member for District 2. Chairman Manwaring seconded. Both voted in favor. The motion carried.

THE MOTION PASSED TO DISMISS UNTIL TUESDAY DECEMBER 2 2025


PAMELA W. ECKHARDT, CLERK
Lindsey Gluch- Commission Clerk-----


WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Tuesday, December 2, 2025
County of Bingham)

THE BOARD OF BINGHAM COUNTY COMMISSIONERS MET IN REGULAR SESSION. The following matters were considered:

PRESENT: Chairman Manwaring
 Commissioner Jackson
 Commissioner Jensen
 Lindsey Gluch- Commission Clerk

APPEAL'S FILED BY KEVIN BOLINDER, GORDON MADSEN, JESSLYN SPEAKMAN, ANNA KOHLER, KYLEE KOHLER, AND NOLLENE JENSEN, TODD LONGHURST AND CHRIS JENSEN, REGARDING THE PLANNING & ZONING COMMISSION'S DECISION TO APPROVE THE CONDITIONAL USE PERMIT FOR AN EXPANSION OF AN EXISTING CONFINED ANIMAL FEEDING OPERATION FOR CEDAR ARCH DAIRIES, LLC

Present: Jeniece Olive
 Tina Keeling
 Dennis Howell
 Becky Chapman
 Von Del Chapman
 Mary Bolinder
 Robert Bolinder
 Jay Madsen
 Dolores Madsen
 Amy Due
 Jason Dye
 Chris Jensen
 Kimber Jensen
 Lena Allen
 Kevin Bollinder
 Bryon Johnson
 Todd Longhurst
 Monica Longhurst
 Delane Croft
 _____ Ruth Kohler (Not Legible)
 Bruce & Jeanette Empey
 Kylee Kohler
 Robin Mitchell
 Rex Mitchell
 Kohlton Lund
 Brad Speckman
 David R. _____ (Not Legible)
 Kim Burns
 April Christensen

The Board held a meeting to hear Appeal's filed by Kevin Bolinder, Gordon Jay Madsen, Jesslyn Speakman, Anna Ruth Kohler, Kylee Kohler, Nollene Jensen, Todd Longhurst and Chris Jensen, in regards to the Conditional Use Permit for an expansion of an existing Confined Animal Feeding Operation for Cedar Arch Dairies, LLC.

Commissioner Jensen recused himself due to his wife, Nollene Jensen, and son, Chris Jensen, being a part of the Appellant process, as well as being a neighbor to the subject property. Chairman Manwaring and Commissioner Jackson both agreed with the recusal and Commissioner Jensen stepped down at that time.

At the onset of the meeting Ms. Olsen explained that the Planning & Zoning Commission heard the Application on August 14, 2025 and four (4) Appeals were timely filed pursuant to Bingham County Code 10-10-2.

Chairman Manwaring stated in review of the Appeal and concerns that he has found regarding the 2005 Cedar Arch Dairy unit numbers and operations, wherein there are four (4) locations with a potential 300 cows that were not accounted for. This can be confusing and asked if an individual could use their total count throughout the county for multiple locations. It was noted an accountant supplied the animal count based on information from the owner. Commissioner Jackson asked Ms. Olsen who conducts the animal count, to which Ms. Olsen stated that county staff does not go on-site and verify headcounts on Confined Animal Feeding Operations, as that is not a facet of enforcement but it could be if so requested by the Board. Ms. Olsen stated the county relies on the Applicant to provide accurate information.

Commissioner Jackson stated that he read in regards to a Nutrient Management Plan and asked if said plan is administered by the state and how that plan is considered. Ms. Olsen stated the Nutrient Management Plan is approved by the State Department of Agriculture and all of the terms and conditions within said plan are only enforced or regulated by the Department of Agriculture as the county does not have the authority to do so. Ms. Olsen stated the animal units listed in a Nutrient Management Plan are the maximum number of animal units that the operation can have within its operational facets for feeding, manure management and containment. Ms. Olsen stated for the subject Application, the Applicants are requesting up to 4,280 animal units, wherein the unit rate varies depending on the age of the cow, size of the cow, among other characteristics.

Commissioner Jackson asked if the numbers within the Nutrient Management Plan could be used or would the county rely on the numbers in which the Applicant provided. Ms. Olsen stated the numbers are treated separately and that the Nutrient Management Plan is what the Applicant can get up to, regulated by the state, and the county has its set of numbers that can be up to a number less than or more but cannot exceed that number with the state. Ms. Olsen reiterated that just because the Nutrient Management Plan states up to a specific number, does not mean that number has to correlate with the county's regulations.

Chairman Manwaring stated a concern that he found was that a Conditional Use Permit should have been required when the dairy was constructed and asked Ms. Olsen if she had input on this matter. Ms. Olsen stated that Planning & Development had consulted with Gaylen Claysen as he was looking to apply for a Building Permit for the structure and it was represented that there would be no change in the headcounts and the animal units on the subject property but that he would be essentially moving cows from an outdoor area to an indoor robotic facility, using the existing lagoons. Acting on said information from the Applicant, said permit was issued.

Chairman Manwaring asked if when an individual came in to complete an application but at the time did not know how many animal units there would be and if that would interfere with a Conditional Use Permit for a Confined Animal Feeding Operation. Ms. Olsen stated it could potentially interfere if there was going to be an increase in units, depending on what the approved number of animals was. Ms. Olsen stated in this case, the operations were for dairies prior to Bingham County regulations, which is that 2005 year, which is why that year is so important, is that in 2005 Bingham County created regulations for Confined Animal Feeding Operations. There were parameters within said ordinance that could trigger the need for a Conditional Use Permit for anyone that had been operating prior to 2005.

Ms. Olsen stated that she found that last year, there was an increase in some of the information that was provided by the Applicants which included a 2015 and 2017 Nutrient Management Plan, along with their most current Nutrient Management Plan from 2024. Upon review of said documents, Ms. Olsen found there

was an increase in their animal units and found that they had added a new lagoon and four (4) catch basins in their waste management system, which then required the current process of a Conditional Use Permit.

Commissioner Jackson asked if the new lagoon services one or both dairies, wherein Ms. Olsen stated the lagoon that was recently constructed serves only the robotic barn. Paul Rogers stated to provide additional clarification in regards to which specific dairy, wherein Ms. Olsen stated it would be the north dairy (robotic barn) and the home dairy. Commissioner Jackson asked how the animal units are divided and how many cows are at the home dairy versus the north robotic dairy. Ms. Olsen referred to Exhibit S-1, Page 5, which shows the animal counts for year 2025 but would need to look at the staff report for confirmation as to how many are at each dairy.

Commissioner Jackson asked if the dairies should be considered one dairy or two separate dairies, wherein Ms. Olsen stated in researching how to classify the operation, she took guidance from the local Dairy Inspector with the Department of Agriculture, who advised that the state treats them as one operation at two different locations. However, that is subject to the Boards discussion and stated that state code indicates that dairies can be referred to as one. If in the event, the dairies share a boundary or property line or a waste management system and, in this case, they do not share boundary or lagoons/waste management treatment. There are fields that manure is taken to from both dairies but it is not on-site.

Chairman Manwaring referred to the concern and that Commissioner Bingham should have recused himself from the Public Hearing due to being to the subject location prior to the Public Hearing and that testimony is required to be read into the record during the Public Hearing, per state code and asked county staff to address said concerns. Mr. Rogers stated that he is not aware of any code that requires testimony to be ready into the record during the Public Hearing.

Chairman Manwaring stated there was also concerns in regards to if the Applicant was allowed to submit written testimony from individuals that reside outside of the 1-mile radius and asked county staff to address that concern and why the testimony was allowed. Mr. Rogers stated at the Public Hearing, Mrs. Claysen stated there were dairy tours held and at the end of the tour, all participants were asked to write down positive comments, if they had any, and Mr. Rogers stated that he wanted to know why those were being submitted and it seemed as though they were being submitted as testimony in favor of the Conditional Use Permit. Mr. Rogers stated that he asked several questions of Mrs. Claysen about the intent of submitting the comments that came from the tour, which filtered out to be that Mrs. Claysen wanted to submit them to show that people had a positive experience and were not testimony in support of the Conditional Use Permit.

Commissioner Jackson confirmed that a number of those comments were outside of the 1-mile radius as well, wherein Mr. Rogers stated there were many comments that came in but again were only to the experience of the tour and nothing else.

Chairman Manwaring stated after review of the submitted appeals, it was confusing as to why the north dairy and home dairy are treated as one if they don't share boundary lines or lagoons. Chairman Manwaring stated that he understands the state treats them as one for their management plans, but the county could treat them as two separate CAFOs. Commissioner Jackson stated that he also would like additional information on this item as well.

Chairman Manwaring stated another concern he found was the inconsistencies within the animal counts and that it was mentioned in 2005 there were 3,680 head of cattle but that the conversion to animal units was not right, depending on the size of the cow. Chairman Manwaring stated that Mr. Crosby stated there were four (4) separate dairy locations included within the 2005 head counts but that he couldn't tell what the accurate numbers are for the north dairy and the home dairy, because the Pingree dairy cannot be included and the other dairy is no longer in operation.

Chairman Manwaring stated overall, he believes that more information is needed to verify the actual animal units in 2005 at the north dairy and the home dairy to determine the 2005 grandfathered status. Therefore,

it may be useful to have a county designated individual or the owner has an independent individual to conduct an accurate count. Commissioner Jackson concurred.

Chairman Manwaring stated another concern was with the smell and flies but with livestock there is going to be a smell and flies.

Chairman Manwaring stated that the conditions placed on the Conditional Use Permit were vague and therefore, could make it challenging to enforce. Chairman Manwaring stated there were seven (7) conditions listed in the approval by the Planning & Zoning Commission. However, conditions 3,4, and 5 do not have a time frame or deadline in which those conditions are to be completed and he feels there should be a deadline.

Chairman Manwaring asked county staff if there were discussions held in regards to timelines, to which Ms. Olsen stated there were no timeframes for compliance discussed pertaining to the conditions.

Commissioner Jackson asked if there have been any communications stating that those conditions had been met since the Planning & Zoning Commission Public Hearing, to which Ms. Olsen stated that she had provided notification to Cedar Arch Dairies that a complaint had been received in regards to condition 4, maintaining a 300-foot setback from any non-CAFO associated well from manure/compost stacking, rows and scraping areas, as well as condition 5, to install a barrier to sufficiently ensure manure doesn't spill onto the property located at 779 N 700 E, Firth. Ms. Olsen stated the complaint was that those items had not been taken care of yet and provided notification to Cedar Arch Dairies for Notice of Violation and Non-Compliance, which was served upon Mr. Claysen on November 21, 2025. Ms. Olsen provided seven (7) days to move the manure to that 300-foot setback and thirty (30) days to install a barrier. Ms. Olsen stated that she had inspected the property yesterday and found that some manure has been moved but that there is still manure well within 100 feet of the property line and it does not appear that there has been a barrier construction performed. Ms. Olsen stated she did find that the condition 3, to abandon the compost area located to the northwest of the North Dairy, wherein a lot of the manure is gone. Ms. Olsen stated that she has not received a request for extension of the deadline and therefore, she would agree that a timeframe designated with the conditions would assist with enforcement.

Chairman Manwaring stated over the last few months and that the Applicant had not met the conditions that were placed by the Planning and Zoning Commission, he would like to place a timeframe for conditions to be met. Commissioner Jackson concurred.

Chairman Manwaring asked Ms. Olsen when conditions are placed with time limits, if the Code Enforcement Officer would conduct an inspection to be sure conditions are being met, to which Ms. Olsen confirmed.

Ms. Olsen stated pursuant to Bingham County Code 10-13, Code Enforcement Complaints, which states how code enforcement complaints are administered and managed. It specifically indicates that the county provides notification to the property owner that there may be a violation, the violation is described, the ways that violation could be cured and a timeline for that cure to be completed. There are a couple of ways in which said notice could be provided, which is by certified mail or via law enforcement and upon that person receiving the notice, if Ms. Olsen finds there is some compliance or working towards compliance but they may need additional time, she can afford an extension of not to exceed 180 days.

Chairman Manwaring stated that he believes there are a lot of unanswered questions and at this time he would be in favor of remanding back to the Planning & Zoning Commission for conditions on the application and the applicant could consider the conditions and timeframes placed on the conditions. There is a lot of concerns on eliminating odors and the feasibility of all options. Mr. Crosby spoke to the possibility of a methane digester to help mitigate flies, and by adding this, it would be a benefit to everyone. He said he would look into that method of mitigation and determine if it would be economically feasible and effective, wherein he would also like to see what feasibility of the digester is.

Commissioner Jackson concurred and stated that additional information would be beneficial.

Mr. Rogers confirmed that the Board felt that the new evidence would be material and relates to validity of the underline decision, which is why additional information is being sought. Both Chairman Manwaring and Commissioner Jackson concurred.

Decision: Based on the questions and concerns brought up with the missing information, Commissioner Jackson moved to remand the Application, pursuant to Bingham County Code Section 10-10-2(c) and 10-10-4, to gather evidence for the animal units for the North Dairy and the animal units for the Home Dairy as separate animal units. Also, to clarify the inconsistencies of the animal units, the county needs the head count by size and by age in both the north dairy and the home dairy. There should be time limits to be placed on the conditions that have been set or evidence of how the conditions will become enforceable and whether the conditions have been complied with so far. Chairman Manwaring seconded.

Mr. Rogers stated there was discussion regarding the elimination of odor and use of methane digester to reduce flies, which should be added.

Commissioner Jackson amended the motion to add that the Applicant should provide options on how to eliminate odor and the feasibility of all options, along with the feasibility of a methane digester to reduce flies. Chairman Manwaring seconded.

Ms. Olsen asked for clarification as the necessity for remain was for two time periods that the county will need to know a head count for 2005 and for 2025, for both the north dairy and the home dairy.

Commissioner Jackson amended the motion to add that there should be a more accurate cattle head count for two separate dairies for both 2005 and 2025. Chairman Manwaring seconded. Both voted in favor. The motion carried.

Regulatory Takings: Additionally, the Applicant may request a regulatory takings analysis as per Idaho Code Section 67-8003. An affected person aggrieved by a final decision concerning matters identified in Section 67-6521(1)(a), Idaho Code may within twenty-eight (28) days after all remedies have been exhausted under local ordinance, seek Judicial Review as provided by Chapter 52, Title 67, Idaho Code.

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY DECEMBER 3 2025


PAMELA W. ECKHARDT, CLERK
Lindsey Gluch- Commission Clerk-----


WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Wednesday, December 3, 2025
County of Bingham)

THE BOARD OF BINGHAM COUNTY COMMISSIONERS MET IN REGULAR SESSION. The following matters were considered:

PRESENT: Chairman Manwaring
 Commissioner Jackson
 Commissioner Jensen
 Lindsey Gluch- Commission Clerk

COLLEGE OF EASTERN IDAHO

The Board met to approve and sign Certificate of Residency documents for the following Bingham County students:

Cheyenne D. Truman	Spring 2026
Tamara L. Wasden	Spring 2026
Tanner J. Thayne	Fall 2025/Spring 2026
Kieleigh C. Bales	Fall 2025/Spring 2026
Wyatt C. Crapo	Fall 2025/Spring 2026
Maximus M. Hansen	Fall 2025/Spring 2026
Gracie J. Corless	Fall 2025/Spring2026
Kelsie A. Brittain	Fall 2025/Spring 2026

COLLEGE OF SOUTHERN IDAHO

The Board met to approve and sign Certificate of Residency documents for the following Bingham County students:

Wyatt C. Crapo	Fall 2025/Spring 2026
Maximus M. Hansen	Fall 2025/Spring 2026
Gracie Corless	Fall 2025/Spring 2026
Baxter J. Marchant	Fall 2025/Spring 2026
Kelsie A. Brittain	Fall 2025/Spring 2026
Bryson Jensen	Fall 2025/Spring 2026
Nevaya K. Olney	Fall 2025/Spring 2026

Decision: Commissioner Jensen moved to approve Cash Warrants, Claims, Administrative Documents and Personnel Action Forms, as presented. Commissioner Jackson seconded. All voted in favor. The motion carried.

TAX INQUIRY FORMS

The Board met to approve and sign Tax Inquiry Forms submitted by the County Assessor, which were as follows:

RP0424901	Year 2025	Homeowner signed up for Homeowners Exemption in 2025
RP3022600	Year 2025	Homeowner received the full 100% Homeowners Exemption
RP3041000	Year 2025	Homeowner signed up for Homeowners Exemption in 2025
RP0534110	Year 2025	Homeowner signed up for Homeowners Exemption in 2025

Decision: Commissioner Jackson moved to approve and sign Tax Inquiry Forms submitted by the County Assessor. Commissioner Jensen seconded. All voted in favor. The motion carried.

APPROVAL OF REASON & DECISION FOR THE COMP. PLAN DESIGNATION, ZONING DESIGNATION AND WILLOWBROOK MEADOWS SUBDIVISION, SUBMITTED BY DAREN & TERRI FERRELL

The Board met to approve and sign the Reason & Decision for the Comp. Plan Designation, Zoning Designation and Willowbrook Meadows Subdivision, submitted by Daren & Terri Ferrell.

Chairman Manwaring confirmed there were no changes to be made to the proposed Reason & Decision.

Decision: Commissioner Jensen moved to approve and sign the Reason & Decision for the Comp. Plan Designation, Zoning Designation and Willowbrook Meadows Subdivision, as written. Commissioner Jackson seconded. All voted in favor. The motion carried.

SHERIFFS OFFICE

Present: Jordyn Nebeker- Chief Deputy Sheriff
Paul Rogers- County Legal Counsel
Kris Talbot- Sergeant

The Board met with Chief Deputy Sheriff Jordyn Nebeker to receive updates within the Sheriffs Office

EXECUTIVE SESSION

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider personnel matters. Commissioner Jackson moved to go into Executive Session pursuant to Idaho Code §74-206(1)(a)&(b), to consider personnel matters. Commissioner Jensen seconded. Both in favor. The Board moved into Executive Session at 9:17 a.m. Commissioner Jensen moved to go out of Executive Session. Commissioner Jackson seconded. The Board moved out of Executive Session at 9:26 a.m.

Decision: Commissioner Jensen moved to allow the employee discussed within Executive Session, to work from home for medical reasons and will work with the IT Department to do so. Commissioner Jackson seconded. All voted in favor. The motion carried.

PUBLIC WORKS

Present: Dusty Whited- Public Works Director
Tiffany Olsen- Planning & Development Director
Paul Rogers- County Legal Counsel
Laraine Pope- Human Resources Director

The Board met with Dusty Whited, Public Works Director, to receive updates within the Public Works Department and other agenda items.

Discussion was held in regards to potential county traffic study committee, wherein Mr. Whited explained that he had been invited to attend Bonneville County's Traffic Safety Committee Meeting. This committee is utilized when there is a traffic pattern change request, which could mean a speed limit change or a four way stop request. Bonneville County waits to hold a meeting until there are several items to be discussed. Mr. Whited stated that their committee includes the Bonneville County Public Works Director, the Assistant Director, an ITD Representative, a Sheriffs Office Representative and the Public Works Directors from Idaho Falls and Ammon. During the meeting in which Mr. Whited attended, discussion was held in regards to two roads that boarder Bingham County, which is why he was invited to attend. Mr. Whited stated that he participated in said meeting and provided input to the committee.

Mr. Whited stated currently if there is a speed limit or any other traffic pattern change request for Bingham County, those requests are submitted to Public Works for review. A traffic study is completed, along with a visual study and a recommendation is brought before the Board. Mr. Whited stated if there was a committee in place, it would not be solely Bingham County that would be making the recommendation to the Board for its final decision. Mr. Whited stated that after he attended the meeting for Bonneville County, he spoke with Chairman Manwaring about the potential of starting a committee for Bingham County and one of his concerns was that it would slow down the process for the citizen's. Mr. Whited stated that is a valid concern of his as well.

Commissioner Jackson asked Mr. Whited how often the committee would convene, wherein Mr. Whited stated that he would recommend an as needed basis. Mr. Whited stated that some requests may require immediate attention but it would be based upon the specific request.

Commissioner Jensen stated that he would support the idea but that he agreed with Chairman Manwaring in that it would delay the process and cause unnecessary meetings.

Currently the traffic study takes up to 30-45 days to complete, gather information in order to make a recommendation to the Board for a final decision. If this is approved, it would add additional time and meetings to the process.

Discussion was held in regards to only using a committee on a case by case basis, wherein Mr. Rogers stated there should be criteria that would initiate review by the committee.

Chairman Manwaring stated that he would be more in favor of using the committee on a case by case basis. Chairman Manwaring stated it would make sense if there was a road shared with another county, that the other county be involved in the discussion. Chairman Manwaring stated that ITD should be involved in the decision if the road leads to a state highway.

Commissioner Jackson and Commissioner Jensen agreed with Chairman Manwaring.

After discussion, all Commissioners agreed that the county should continue operating as is and if an incident comes up where Mr. Whited believes that a committee would be beneficial, this could be discussed further for a case by case basis.

Discussion was held in regards to Bingham County Resolution 2025-51, a resolution and order changing the use of county roads. Specifically, in regards to mountain roads and that there has not been any snow. The Board was in favor of re-opening the mountain roads, weather depending and until further notice.

Lindsey Gluch, Commission Clerk, stated that this resolution would be sent for publication and will be uploaded to the county website and Facebook page as well.

Decision: Commissioner Jackson moved to approve Bingham County Resolution 2025-51, a resolution and order changing the use of county roads. Commissioner Jensen seconded. All voted in favor. The motion carried and said resolution was approved as follows:

BINGHAM COUNTY
RESOLUTION 2025-51

RESOLUTION AND ORDER CHANGING THE USE OF COUNTY ROADS

Pursuant to Idaho Code §31-714, 67-7109(5) and the Bingham County Snowmobile Trail Ordinance, it is hereby resolved and ordered by the Bingham County Commissioners as follows:

Section 1: Road Use Change. The Following roads shall be re-opened to use by conventional motor vehicles commencing at 9:00 a.m. on the December 3, 2025, weather depending and until further notice:

Wolverine & Sellars Creek Road from the mouth of the Narrows at approximately 1606 East Wolverine Road in Section 11, T 2S, R38 EBM to 2550 E 400 N, the intersection of Blackfoot Reservoir Road and Sellars Creek Road. Also, the Taylor Creek Road from the intersection with Wolverine Road north to just south of Blatter Farms at approximately 1735 E 1000 N. Also, from the Blackfoot Reservoir Road/Sellars Creek intersection north to the Bingham County line. This opening also applies from the intersection of the Blackfoot River Road and the Cedar Creek Road at approximately 1510 E 100 N to the Lincoln Creek Road easterly to the Bingham County, Caribou County line. And further east to the Blackfoot Reservoir Road north to the Sellars Creek intersection. Also includes Long Valley Road.

Section 2: Notice

Notice of the road use change will be posted at each public entrance to the roadway and advertised in The Idaho State Journal/Post Register. For further information and map locations, contact Bingham County Road and Bridge between the hours of 8 a.m. and 5 p.m., Monday through Thursday, 208-782-3173.

DATED: December 3, 2025



ATTEST:



Pamela W. Eckhardt
Bingham County Clerk

BINGHAM COUNTY COMMISSION


Whitney Manwaring, Chairman


Eric Jackson Commissioner


Drew Jensen, Commissioner

Discussion was held in regards to the submitted prior approval for purchase of tire stock. Said purchase is in the amount of \$7,437.16, which is to be paid from Fund: 23-70-0473-01.

Decision: Commissioner Jensen moved to approve the prior approval for purchase of tire stock. Said purchase is in the amount of \$7,437.16, which is to be paid from Fund: 23-70-0473-01. Commissioner Jackson seconded. All voted in favor. The motion carried.

MEETING TO SIGN A FULL SATISFACTION OF DEVELOPMENT AGREEMENT FOR LAVA RIDGE COVE SUBDIVISION

Present: Tiffany Olsen- Planning & Development Director
Paul Rogers- County Legal Counsel

The Board met with Tiffany Olsen to approve and sign a Full Satisfaction of Development Agreement for Lava Ridge Cove Subdivision.

Decision: Commissioner Jackson moved to approve and sign the Full Satisfaction of Development Agreement for Lava Ridge Cove Subdivision. Commissioner Jensen seconded. All voted in favor. The motion carried.

APPROVAL & SIGNING OF AGREEMENT FOR PATHOLOGY SERVICES BETWEEN BINGHAM COUNTY AND ADA COUNTY

Present: Jimmy Roberts- County Coroner
Paul Rogers- County Legal Counsel
Pamela Eckhardt- County Clerk

The Board met to approve and sign the Agreement for Pathology Services between Bingham County and Ada County.

Mr. Roberts stated there have been no changes made to the proposed agreement.

The Board had no concerns.

Decision: Commissioner Jensen moved to approve and sign the Agreement for Pathology Services between Bingham County and Ada County, as proposed. Commissioner Jackson seconded. All voted in favor. The motion carried.

APPROVAL & SIGNING OF PROPOSED FORENSIC PATHOLOGY SERVICES AGREEMENT WITH FORENSIC PATHOLOGY SERVICES, LLC

Present: Jimmy Roberts- County Coroner
Paul Rogers- County Legal Counsel
Pamela Eckhardt- County Clerk

The Board met to approve and sign the Forensic Pathology Services Agreement with Forensic Pathology Services, LLC, as proposed by Jimmy Roberts.

Mr. Roberts explained that Forensic Pathology Services, LLC, provides services all over the United States and Canada. Mr. Roberts stated that they will be in Ada County for the entire month of January due to the request of Ada County and the backlog of autopsy reports on cases.

The Board had no concerns in regards to the proposed agreement.

Decision: Commissioner Jackson moved to approve and sign the Forensic Pathology Services Agreement with Forensic Pathology Services, LLC. Commissioner Jensen seconded. All voted in favor. The motion carried.

IT DEPARTMENT

Present: Matt Galloway- IT Director
Paul Rogers- County Legal Counsel

The Board met with Matt Galloway, IT Director, to discuss updates within the IT Department, along with other agenda items.

Discussion was held in regards to the submitted prior approval for purchase of SDO Annual Renewal. Said purchase is in the amount of \$28,512.00, which is to be paid from Fund: 01-14-524-00.

Decision: Commissioner Jensen moved to approve the submitted prior approval for purchase of SDO Annual Renewal. Said purchase is in the amount of \$28,512.00, which is to be paid from Fund: 01-14-524-00. Commissioner Jackson seconded. All voted in favor. The motion carried.

PUBLIC HEARING TO RECEIVE THE PLANNING & ZONING COMMISSION'S RECOMMENDATION TO APPROVE A ZONING AMENDMENT FROM RESIDENTIAL/AGRICULTURE TO AGRICULTURE FOR APPROXIMATELY 32.81 ACRES OF LAND LOCATED AT 264 S. 625 W., BLACKFOOT, IDAHO, OWNED BY DONALD & LORETTE ANDERSON

Present: Julie Stecklein- Property Owner
Scott Stecklien- Property Owner
Travis Allen- City of Blackfoot
Glenn Wright- Property Owner
Shelly Lewis- Property Owner
Randal Lewis- Property Owner
Merlin Yancey- Property Owner
Tricia Phelps- Property Owner
Joel Weaver- Property Owner
Layne Hamilton- Property Owner
Linda Hamilton- Property Owner
Rhitt Hamilton- Property Owner
Tiffany Olsen- Planning & Development Director
Paul Rogers- County Legal Counsel

The Board held a Public Hearing to receive the Planning & Zoning Commission's recommendation to approve a zoning amendment from Residential/Agriculture to Agriculture for approximately 32.81 acres of land located at 264 S. 625 W., Blackfoot, Idaho, owned by Donald & Lorette Anderson. Chairman Manwaring welcomed all to the meeting and introductions were held for the record.

Prior to the Public Hearing, the Board of County Commissioners, reviewed the Application and materials submitted by the Applicant, Donald & Loretta Anderson, along with the Staff Report and all supplemental maps, notices and other materials.

As to procedural items, the Board of County Commissioners finds the following:

1. Requested Action: The Public Hearing was held pursuant to Bingham County Code Section 10-3-6(A)(11) where the Board held a Public Hearing, using the same notice and hearing procedures as the Commission, on the Application for an Amendment to the Zoning Designation.

2. In accordance with Bingham County Code 10-3-6, Notice of the Boards Public Hearing was provided as follows:
 - a. Sent to Government Agencies on November 3, 2025 (CC-3 Government Agency Notice)
 - b. Published in the Idaho State Journal and Post Register on November 5, 2025 (CC-2-Affidavit of Publication)
 - c. Sent to property owners within 300' of this property on November 3, 2025. (CC-4 Property Owners Mailing List and Notice)
 - d. Site was posted on November 17, 2025 (CC-5 Notice of Posting Affidavit)

There was no testimony received prior to the Boards Public Hearing.

After presentation of the Staff Report by Tiffany Olsen, Planning & Development Director, and confirmation that there were no additional questions for county staff, Chairman Manwaring opened the Public Hearing for testimony.

There was no testimony in favor, neutral, nor in opposition.

REASON

Public testimony was closed and the Board moved into discussion and deliberation which was held and the Board found the following:

1. The request is to rescind Bingham County Ordinance No. 2020-09 and reverse the Zoning District designation of Parcels RP0253500 & RP0253603 from "R/A": Residential/Agriculture to "A" Agriculture on approx. 32.81 acres is appropriate as the Applicants have withdrawn their request to amend the zoning of the parcels; and
2. The authority for this action is found in Idaho Code §67-6511(2)(b), which requires the Application to follow the same notice and hearing procedures for an ordinance; and
3. That request is in accordance with the Comprehensive Plan and aligns with the Comprehensive Plan; and
4. The Application met the notice requirements of Idaho Code Title 67, Chapter 65, and Bingham County Code Section 10-3-6; and

Chairman Manwaring stated that he was a Commissioner when the original Application was heard and it has been a long process but the Applicants would like to change the zoning designation back to Agriculture. Therefore, he has no issue with the proposal.

Commissioner Jackson stated that he had no issues with the proposal to change back to Agriculture, especially to protect the decreasing supply of ag lands. Therefore, he would be in favor.

Commissioner Jensen stated that in review of the Staff Report and testimony provided at the Planning & Zoning Commission Public Hearing, he is in favor of the proposal.

Chairman Manwaring reiterated that when the original Application was heard he was not in favor due to the fact that the subject property was not contiguous to any other Residential/Agriculture and any connection to city services.

There was no further discussion and Chairman Manwaring entertained a motion.

DECISION

Decision: Commissioner Jackson moved to rescind Ordinance No. 2020-09 and reverse the Zoning District designation of Parcels RP0253500 & RP0253603 from “R/A” Residential/Agriculture to “A” Agriculture on approx. 32.81 acres of land, located at 264 S. 625 W., Blackfoot, Idaho, as requested by Donald and Lorette Anderson. Commissioner Jensen seconded. All voted in favor. The motion carried.

Request for Reconsideration/Judicial Review: Upon denial or approval of a zone change, with adverse conditions, pursuant to Idaho Code Section 67-6535(2)(b), the Applicant or affected person seeking Judicial Review of compliance with the provisions of this section must first seek reconsideration of the final decision within fourteen (14) days. Such written request must identify specific deficiencies in the decision for which reconsideration is sought.

Regulatory Takings: Additionally, the Applicant may request a regulatory takings analysis as per Idaho Code Section 67-8003. An affected person aggrieved by a final decision concerning matters identified in Section 67-6521(1)(a), Idaho Code may within twenty-eight (28) days after all remedies have been exhausted under local ordinance, seek Judicial Review as provided by Chapter 52, Title 67, Idaho Code.

BINGHAM COUNTY’S INITIATION OF AN AMENDMENT TO THE EXISTING COMPREHENSIVE PLAN MAP DESIGNATION OF RESIDENTIAL/AGRICULTURAL TO AGRICULTURAL FOR PARCELS LOCATED IN THE RIVERTON AREA OF BLACKFOOT, IDAHO

Present: Julie Stecklein- Property Owner
Scott Stecklein- Property Owner
Travis Allen- City of Blackfoot
Glenn Wright- Property Owner
Shelly Lewis- Property Owner
Randal Lewis- Property Owner
Merlin Yancey- Property Owner
Tricia Phelps- Property Owner
Joel Weaver- Property Owner
Layne Hamilton- Property Owner
Linda Hamilton- Property Owner
Rhitt Hamilton- Property Owner
Tiffany Olsen- Planning & Development Director
Paul Rogers- County Legal Counsel

The Board held a Public Hearing to hold discussion and make a decision in regards to Bingham County's initiation of an amendment to the existing Comprehensive Plan Map designation of Residential/Agricultural to Agricultural for parcels located in the Riverton Area of Blackfoot, Idaho. Chairman Manwaring welcomed all to the meeting and stated that the same attendees from the last meeting are still in attendance for this application.

Prior to the Public Hearing, the Board of County Commissioners reviewed the application and materials submitted by the Planning & Development Department, along with the Staff Report and all supplemental maps, notices and other materials.

As to procedural items, the Board finds the following:

3. In accordance with Bingham County Code 10-3-6, Notice of the Boards Public Hearing was provided as follows:
 - a. Sent to Government Agencies on November 3, 2025 (CC-3 List of Government Agency Notice)
 - b. Published in the Idaho State Journal and Post Register on November 5, 2025 (CC-2: Affidavit of Publication)

- c. Sent to property owners within 300' of this property on November 3, 2025. (CC-4 Property Owners Notice)
- d. On November 17, 2025, Notice was posted on-site at 82 locations, with a photograph being taken of each posting. Parcels in the same ownership adjacent to one another were posted on the property line. A copy of each posting was not included but could be made available upon request. (CC-5 Posting Affidavit)

WRITTEN TESTIMONY RECEIVED BEFORE THE BOARD OF COUNTY COMMISSIONERS PUBLIC HEARING

(CC-6) Marvin Yancey, 691 W. 300 S., Blackfoot, submitted testimony in support of the Planning & Zoning Commission's recommendation to deny the Application.

(CC-7) Joel Weaver, 800 W. Riverton Road, Blackfoot, Idaho, submitted a Petition in favor of the Application or in opposition of the Planning & Zoning Commission's recommendation to deny the application, signed by 66 individuals, an aerial image supporting the Application, and a table showing property owners in support, neutral, and in opposition.

(CC-8) Ashley Taylor, Bingham County Planning & Development Planner, submitted a letter in response to Exhibit CC-7, stating that County Staff had found names listed within the exhibit that were either not homeowners, but have the correct address, or names that are outside of the proposed area.

After presentation of the Staff Report by Tiffany Olsen, Planning & Development Director, Chairman Manwaring confirmed that there were no additional questions for county staff and the Public Hearing was opened for testimony from the public.

Testimony in favor was received as follows:

(CC-9) Layne Hamilton, residing at 839 W. Riverton Rd., Blackfoot, stated there are many examples of counties making mistakes in allowing residential development in the wrong areas. Mr. Hamilton stated that the Fort Hall Indian Reservation and Agriculture community of Riverton area are jointly part of a large natural resource area southwest of Blackfoot. The combination of agricultural land and riparian areas provide important habitat for a variety of wildlife, birds and fish. The Fort Hall Tribal Fish and Game and Idaho Fish and Game are actively involved in the management of these resources and positive results are occurring. Mr. Hamilton stated the successful introduction of wild turkeys helped the deer population and recent sighting of elk and moose. Increase of bald eagles especially during calving season when they feed on livestock afterbirths, an increase in the diversity of water birds and valuable resources for recreation, hunting, fishing and bird watching.

Mr. Hamilton stated that extensive studies over a long period of time have shown the greatest threat to wildlife is housing density and development. For this reason, conservation groups are promoting the financing for conservation easements to control developments. Two were recently done in the Blackfoot River drainage east of Blackfoot. Mr. Hamilton stated that Jack Connelly worked many years with Idaho Fish and Game and wrote an article in the Bingham News Chronicle specific to the Riverton Area dated April 22, 2022. Mr. Connelly wrote that Riverton is part of an amazing area that sits along the Snake and Blackfoot Rivers from Shelley all through Bingham County. Mr. Connelly wrote that Riverton is truly a community between the rivers and it was important in the early history of Bingham County and currently integrates farms and ranches with wildlife and recreation resources. Mr. Hamilton stated the most important is housing density has a major negative affect on farming, ranching and natural resources.

Mr. Hamilton stated another example of the connection with increased housing, density and the problems involved. Approximately four years ago, Commissioner Manwaring had Bruce Olenik, Department of Environmental Quality, provide information regarding groundwater in the area. Mr. Hamilton stated a few

days later he himself contacted Mr. Olenik to gather information about high groundwater and sewage, which included Riverton's high groundwater. Mr. Olenik advised Mr. Hamilton stated if there is a plan to increase housing in high groundwater areas, there should be a plan in place. Mr. Hamilton stated natural resources, wildlife, farming, ranching and groundwater all have a negative affect from high density development.

Commissioner Jackson asked Mr. Hamilton if he had considered the Agriculture Protection Act, wherein Mr. Hamilton stated that he was not familiar with said act. Ms. Olsen stated that if a property owner has more than five (5) acres of land that is actively devoted to agriculture or forestry, the property owner could apply to be placed into the protection area that the Board of County Commissioners approve to be placed in, which prevents development from occurring on your land, any imminent domain from occurring from the county or any encroachment onto the property. Ms. Olsen stated it is a method that the State Legislature is providing farmers and ranchers to preserve the agricultural nature of their property and in some cases, perhaps in the Riverton Area where there are a number of farmers that own hundreds of acres, that could all be placed within this program for preservation. Paul Rogers, County Civil Attorney, stated that the Agriculture Protection Act can be found in Idaho Code Section 67-9701 through Section 67-9712.

Chairman Manwaring stated that he has not seen any housing development in the Riverton Area over the last fifteen (15) years that he has been in office.

(CC-10) Joel Weaver, residing at 800 W. Riverton, Rd., Blackfoot, stated this designation is in the best interest of the community and Riverton is such a special place that should be preserved. Mr. Weaver stated that the proposed designation is what the citizens in the area would like to occur. Mr. Weaver added that after surveying properties in the Riverton Area, it comes to an 80/20 split, wherein 20% of the people feel that individual rights should trump area rights of how people should live, what is valuable and what is value placed on.

Mr. Weaver stated that in putting the Comprehensive Plan Map Designation in place, it will not take any rights away from anyone but emphasizes that the citizens would like the area to remain farm land and recreation.

Mr. Weaver stated that the reservation is also in favor of the proposed Comprehensive Plan Map Designation and Exhibit CC-10A was introduced into the record. Mr. Weaver read said exhibit into the record, which read as follows:

"Dear Bingham County Commissioners: We are a community of Native Americans who belong to the Shoshone Bannock Tribal Nation. We share the Riverton area with Bingham County. We are neighbors. Our small tribal community of Nagisty/Sage is rooted in traditions of rural nature and riparian river lands. We have shared these values with the people of Riverton for 100 years.

We are connected through roads that access Riverton in Bingham County. A large portion of the people in Riverton drive through tribal lands in order to get to town or elsewhere. There are two specific roads of concern that are used heavily by the Riverton community, Nagisty and South Riverton. Our tribal community of Nagisty and Sage is centered on these roads that access the Riverton community. Over the past few years we have been negatively impacted by an increase of traffic passing through our community. In an attempt to mitigate the impact, the tribe reduced the Riverton Road's speed limit to 35 miles per hour. The Riverton Red Barn Events Center has contributed to late-night traffic, noise, light disturbance, and the use of our roadsides in order to post signage.

We ask that Bingham County respectfully reverse the traffic impact that has been added to our tribal community. Further, we ask that Bingham County would respectfully protect our community from the impact that future growth would have on this area". Mr. Weaver stated that this petition is signed by approximately thirteen (13) individuals.

Chairman Manwaring asked Mr. Weaver if there were individuals from the Reservation present at the Planning & Zoning Public Hearing, to which Mr. Weaver stated that there was not.

A brief discussion was held in regards to property rights and values.

Layne Hamilton re-approached and stated that the reservation members that are part of the area have concerns in regards to traffic that have come from the red barn event center. Mr. Hamilton stated when this application was proposed, there were several who were in favor but unable to attend today.

(CC-11) Rhitt Hamilton, 872 W. Riverton Rd, Blackfoot, stated that he has a parcel of land that will be affected by the proposed application. Mr. Hamilton stated that there was an error at the Planning & Zoning Public Hearing in not identifying the percentage of Riverton that is in support of the Comprehensive Plan Map Designation. Mr. Hamilton stated that the Comprehensive Plan Map failed them as citizens and what has been learned over the last five (5) years is that it is easy for some to ignore all reasonable argument and simply say that the map allows zone changes. Mr. Hamilton stated that if something is failing, it should not continue and change is needed. Through this process, the Riverton community, knows that the only way to fix the problem is through the proposed change of the Comprehensive Plan Map. Mr. Hamilton stated that he is the next generation and his children will be the fifth generation. It is his generation that has to decide to step up and make change or look back in forty years and regret not stepping up. Mr. Hamilton stated that if the Comprehensive Plan Map is not changed, housing developments have the opportunity to move into the area.

Commissioner Jackson stated that he is in favor of seeing growth happen from the City out into the County, through the Area of Impact.

(CC-12) Tricia Phelps, 639 W. 275 S., Blackfoot, stated that the proposed area is a large amount of the community and there are more things that are being protected. There are approximately 20 million acres of farmland lost in the United States every five (5) years. Ms. Phelps explained the importance of knowing how the beef was raised, what it ate and that everyone should take pride in knowing what they are eating. If developers continue to come into Bingham County and purchasing plots of land, they are making it impossible for the current farmers to make a living. Ms. Phelps stated that the citizens would like a protective barrier so that money will not talk and each family can be fed with locally grown beef and other items. Ms. Phelps stated that she is strongly in favor of good Commissioners listening to the citizens and making the right decision for the entire community.

Chairman Manwaring confirmed there was no testimony in neutral or in opposition of the Application.

With no further testimony, Chairman Manwaring closed the Public Hearing.

REASON

After considering the Comprehensive Plan and the testimony provided, the Board held deliberation and based on the entire record, found the following:

1. The lands subject to the amendment request are comprised of large farm parcels; and
2. Testimony was provided that of the forty-three (43) homes in that area, only two (2) have been constructed in the last ten (10) years. The Board found that there has been minimal residential development in the requested area; and
3. The lands subject to the amendment request have a Comprehensive Plan Map Area designation of Residential/Agriculture; and future zoning amendment or subdivision land use application would require a public hearing. By recommending to approve the amendment request, it would necessitate an additional application process by applying for

a Comprehensive Plan Map Amendment. The Board determined that adding another application process is not necessary to protect agriculture farmland; and

4. Property Owners who are eligible to apply to place their farmland in the Agricultural Protection Area may request to do so, or consider other measures for protection, such as a Conservation Easement or Deed restriction; and
5. Property owners who wish to utilize their land as they see fit are in the best interest of the public; and

Chairman Manwaring stated that the Comprehensive Plan Map is used as a guide and not something that is set in stone. Chairman Manwaring stated that it was interesting to review the testimony presented at the Planning & Zoning Commission Public Hearing and generally when there are issues with the tribe, they approach the Board to come up with a solution.

Commissioner Jackson stated that he would like to be sure the individuals can protect their property and keep their property in agriculture. Commissioner Jackson stated that he would like to protect the way that traffic flows and if there is an increase in traffic, it would be a detriment to the safety of the citizens. In regards to the flood plain issue, Commissioner Jackson stated that is not the best area and there would be a high expense to develop to standards. Therefore, he is in favor of the Application.

Commissioner Jensen stated that it is the Boards job to protect all property rights not just the majority. Commissioner Jensen stated he believes that there can be an agreement by the fact that if the property owners would like to develop, they have the ability to apply for a zoning amendment to go back to Residential/Agriculture, which he believes provides protection of property rights. Commissioner Jensen stated that he would be in favor of approving the proposed Comprehensive Plan Map Amendment.

Chairman Manwaring stated the Comprehensive Plan was adopted on November 20, 2018, wherein the specific purpose of the plan is to promote the orderly development of the County, to conserve and stabilize the value of property and otherwise promote the health, safety and general welfare of the people of the county as follows:

- a. To protect property rights and the use of property while not adversely to the people at a reasonable cost.
- b. To ensure that adequate public facilities and services are provided to the people at a reasonable cost.
- c. To ensure that the economy of the county is protected and enhanced.
- d. To ensure that the important environmental features of the county are protected and enhanced.
- e. To encourage the protection of prime agricultural, forestry, and mining lands for production of food, fiber and minerals.
- f. To encourage urban and urban-type development within or near incorporated cities.
- g. To avoid undue concentration of population and overcrowding of land.
- h. To ensure that the development on land is commensurate with the physical characteristics of the land.
- i. To protect life and property in areas subject to natural hazards and disasters.
- j. To protect fish, wildlife and recreation resources.
- k. To avoid undue water and air pollution.
- l. To allow local school districts to participate in community planning and development to address school needs and impacts on an ongoing basis.

Chairman Manwaring reviewed the testimony received from John Reffit, Bureau of Land Management (BLM), who stated that BLM has concerns regarding the inclusion of certain BLM parcels within the

identified areas for amendment and listed said specific parcels that should not be included. Chairman Manwaring stated that Mr. Reffit wrote the including of BLM parcels in the proposed amendment may lead to confusion regarding their status and misuse of land designation. Chairman Manwaring asked Ms. Olsen if there were any other concerns from BLM in regards to wanting the specific parcels to be removed. Ms. Olsen stated that she had not heard there was confusion but that the letter was in response to the proposed change and reiterating that the county does not have the jurisdiction to amend the zoning of their property.

There was no further discussion.

DECISION

Commissioner Jensen moved to approve the Comprehensive Plan Map Designation Amendments from Residential/Agriculture to Agriculture, as submitted, on lands consisting of a total approx. assessed acreage of 1,262.38 and extending from approx. the eastern border of T3S R34W Sec. 13 to the western border of T3S R34E Sec. 23, with the following exception:

- 1. Lands owned by BLM, United States of America, and/or the State of Idaho, which are recommended not to have a Comprehensive Plan Map Area designation or a Zoning District designation.**

Commissioner Jensen amended the motion to state that the Board will overturn the Planning & Zoning Commission decision and approve the Comprehensive Plan Map Amendments. The Board hereby approves this amendment to be done via Resolution and will be followed by the proper Ordinance. Commissioner Jackson seconded. All voted in favor. The motion carried.

Request for Reconsideration/Judicial Review: Upon denial or approval of a zone change, with adverse conditions, pursuant to Idaho Code Section 67-6535(2)(b), the Applicant or affected person seeking Judicial Review of compliance with the provisions of this section must first seek reconsideration of the final decision within fourteen (14) days. Such written request must identify specific deficiencies in the decision for which reconsideration is sought.

Regulatory Takings: Additionally, the Applicant may request a regulatory takings analysis as per Idaho Code Section 67-8003. An affected person aggrieved by a final decision concerning matters identified in Section 67-6521(1)(a), Idaho Code may within twenty-eight (28) days after all remedies have been exhausted under local ordinance, seek Judicial Review as provided by Chapter 52, Title 67, Idaho Code.

APPROVAL OF REASON & DECISION FOR THE COMPREHENSIVE PLAN MAP AREA DESIGNATION TO "NR/A" AND ROCKY HOLLOW SUBDIVISION

The Board met to approve the Reason & Decision for the Comprehensive Plan map area designation to NR/A and Rocky Hollow Subdivision.

Chairman Manwaring confirmed there were no changes to be made to the proposed Reason & Decision.

Decision: Commissioner Jackson moved to approve and sign the Reason & Decision for Comprehensive Plan map area designation to NR/A and Rocky Hollow Subdivision. Commissioner Jensen seconded. All voted in favor. The motion carried.

THE MOTION PASSED TO DISMISS UNTIL FRIDAY DECEMBER 5 2025


PAMELA W. ECKHARDT, CLERK
Lindsey Gluch- Commission Clerk-----


WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Friday, December 5, 2025
County of Bingham)

THE BOARD OF BINGHAM COUNTY COMMISSIONERS MET IN REGULAR SESSION. The following matters were considered:

PRESENT: Chairman Manwaring
 Commissioner Jackson
 Commissioner Jensen
 Lindsey Gluch- Commission Clerk

CLAIMS

Claims were approved in the amount of \$222,289.25.

PERSONNEL ACTION FORMS

The Board approved Personnel Action Forms, which were as follows:

Salary Increase Forms: Patrol Sergeant
 Emergency Communications Officer
 SRO Patrol Deputy
 Animal Control Officer
 Patrol Deputy
 Deputy Court Clerk
 Sign/Traffic Count Tech
 Sr. Equipment Operator

Employee Status Sheet: Truck Driver to Crusher Operator
 Deputy Clerk/Elections Director
 Deputy Clerk/Elections Assistant
 Building Maintenance Supervisor to Facilities Manager

Decision: Commissioner Jensen moved to approve and sign Cash Warrants, Claims, Administrative Documents and Personnel Action Forms. Commissioner Jackson seconded. All voted in favor. The motion carried.

APPROVAL OF REASON & DECISION FOR THE MOTION FOR RECONSIDERATION IN REGARDS TO THE APPEAL MEETING ON THE CONDITIONAL USE PERMIT FOR A PRIVATE OUTDOOR GUN RANGE

The Board met to approve and sign the Reason & Decision for the Motion for Reconsideration in regards to the Appeal Meeting on the Conditional Use Permit for a private outdoor fun range.

Chairman Manwaring confirmed that there were no changes to be made to the proposed document. Commissioner Jackson and Commissioner Jensen confirmed they had no changes to be made.

Decision: Commissioner Jackson moved to approve and sign the Reason & Decision for the Motion for Reconsideration in regards to the Appeal Meeting on the Conditional Use Permit for a private outdoor gun range. Commissioner Jensen seconded. All voted in favor. The motion carried.

APPROVAL OF TAX INQUIRY FORMS SUBMITTED BY THE COUNTY ASSESSOR

The Board met to approve and sign Tax Inquiry Forms submitted by the County Assessor, which were as follows:

RP0324705	Year 2025	House had the wrong assessed value on it
RP0636405	Year 2025	Acres on the land & farm were incorrect
RP1319434	Year 2025	Homeowner signed up for Homeowners Exemption in 2025
RP0297410	Year 2025	Homeowner signed up for Homeowners Exemption in 2025
RP1300127	Year 2025	Homeowner signed up for Homeowners Exemption in 2025
RP0488912	Year 2025	Homeowner signed up for Homeowners Exemption in 2025
RP1001800	Year 2025	Homeowner signed up for Homeowners Exemption in 2025
RP8271550	Year 2025	Homeowner signed up for Homeowners Exemption in 2025
RP7023700	Year 2025	Homeowner signed up for Homeowners Exemption in 2025
RP0143301	Year 2025	Homeowner signed up for Homeowners Exemption in 2025
RP2073603	Year 2025	Homeowner signed up for Homeowners Exemption in 2025
RP2168880	Year 2025	Homeowner signed up for Homeowners Exemption in 2025
RP0245101	Year 2025	Parcel does not have improvements. Was valued wrong
RP3062200	Year 2025	Homeowner signed up for Homeowners Exemption in 2025
RP1212600	Year 2025	Homeowner signed up for Homeowners Exemption in 2025
RP1062300	Year 2025	Homeowner signed up for Homeowners Exemption in 2025

Decision: Commissioner Jackson moved to approve and sign Tax Inquiry Forms as presented. Commissioner Jensen seconded. All voted in favor. The motion carried.

APPROVAL & SIGNING OF JUVENILE JUSTICE ANNUAL FINANCIAL REPORT

Present: Pamela Eckhardt- County Clerk

The Board met to approve and sign the Juvenile Justice Annual Financial Report.

Decision: Commissioner Jensen moved to approve and sign the Juvenile Justice Annual Financial Report. Commissioner Jackson seconded. All voted in favor. The motion carried.

PRIOR APPROVAL FOR PURCHASE OF OFFICE DESK FOR THE NEW CLERK POSITION

Present: Sheri Landon- Magistrate Court Supervisor
Pamela Eckhardt- County Clerk
Jason Marlow- Facilities Manager

The Board met to hold discussion and make a decision in regards to the submitted prior approval for purchase of one new desk for the new clerk position.

Said purchase is in the amount of \$3,790.37, which is to be paid from two funds, which are as follows: 06-50-800-00 (\$3,500.00) and 06-50-899-00 (\$290.37).

Decision: Commissioner Jackson moved to approve the prior approval for purchase of one new desk for the new clerk position. Said purchase is in the amount of \$3,790.37, which is to be paid from two funds, which are as follows: 06-50-800-00 (\$3,500.00) and 06-50-899-00 (\$290.37). Commissioner Jensen seconded. All voted in favor. The motion carried.

DISCUSSION & DECISION REGARDING THE PAY SCALE FOR THE VACANT SURVEYOR POSITION-
REQUESTED BY DONAVAN HARRINGTON- COUNTY ASSESSOR

Present: Donavan Harrington- County Assessor
Tiffany Olsen- Planning & Development Director
Laraine Pope- Human Resources
Debbie Cunningham- Chief Deputy Assessor

The Board met to hold discussion and make a decision in regards to the pay scale for the vacant Surveyor position.

Donavan Harrington stated that there have been no applications submitted for the vacant position and therefore, he believes the salary needs to be increased to hopefully gain applicants. Mr. Harrington stated that he would also like to put the vacant position on other job websites such as indeed. He knows that this would be additional funding but stated it is necessary at this time.

Mr. Harrington stated that currently there are two contract surveyors who are being used and therefore, the Assessors Office has questioned if there is a need for a full time Surveyor. Mr. Harrington stated that the cost for said contract Surveyors is \$300 per preliminary plat and \$400 final plat review, this could be a cost savings and if there is sufficient work to be done in order to need a full time Surveyor.

Ms. Olsen stated that she would encourage not to go that route and that the vacant position has been very taxing on her department. Especially with managing the contracts with the two individuals and if this is long term, that contract management should be given to the Assessors Office so that they can understand how much work goes into this tracking. Ms. Olsen stated that there are multiple occasions throughout the week where Planning & Development would contact the Surveyor and ask a question or if a field visit is needed but that is not able to occur now, which has made it challenging. This is being done within Planning & Development or a courtesy call is made to get an answer to a question. Occasionally that has occurred and has been to the previous Surveyor. Therefore, as far as work flow, there are four subdivisions for the December meeting and three subdivisions scheduled for the January meeting. One of those has a county road and so what happens is the county received the preliminary plat submission and once it is determined that the subdivision is complete in the application, Planning & Development does, what should be done by the Assessors Office. Prior to this situation, they would have sent everything to the Surveyor for review on behalf of the county and the Surveyor position. Instead, an email with all documentation is sent to one of the contract individuals, Public Works individuals, Assessors Office individuals and wait for response from all individuals which have to be tracked. Once all comments are received, those are sent to the individual who prepared the plat to make any corrections. Once those corrections have been made, they are verified. Ms. Olsen stated the previous Surveyor would write the needed corrections on the plat and send it to the Surveyor who prepared the plat, it would be returned to her for verification and provide Planning & Development with an email and corrected plat to proceed.

Ms. Olsen stated after the Board approved the preliminary plat, Planning & Development takes the final plat and the approved preliminary plat, which are sent to the contract surveyor and other county individuals for their review. The same process occurs, wherein Planning and Development is to wait until all comments are received. Those are sent back to the Surveyor who prepared the plat, make sure they are signed and bring to the Board for approval/signing of the final plat. Ms. Olsen stated without a Permit Technician and Planner position within her office, staffing is short and these responsibilities of tracking fall onto her plate.

Mr. Harrington mentioned that it may be more fiscally responsible to hire a technician at an N14 to handle the work and would be responsible for making sure that ordinances are applied and covered to each plat. Ms. Olsen stated that Idaho Code requires that each plat be signed and reviewed by a Surveyor. Therefore, she is not sure if the county would be saving any money as the educational level is needed for a County Surveyor, in order to review plats. Commissioner Jackson asked if a Surveyor has to have licensing, wherein Ms. Olsen stated that was correct.

Ms. Olsen stated that most counties have either a Surveyor or an Engineer but that Bingham County is not big enough to support an Engineer salary. Ms. Olsen stated that she would like the Board to keep in mind while looking at the salary range and that an Engineer has the same qualifications as a Surveyor. A four (4) year degree, Annual Certifications and what needs to be focused on is being sure that state code requirements are being met, as well as the obligations to the public.

Further discussion was held in regards to the proposal to increase the advertised salary and to amend the job title to remove the "GIS Technician" off of the job title. The Board of Commissioners were in favor of removing the GIS Technician from the job title and have it be "Surveyor".

After discussion, the Board was in favor of increasing and advertising at an N27, Step 6 to N27, Step 13.

Decision: Commissioner Jensen moved to advertise the Surveyor position at N27, Step 6 to N27, Step 13. Commissioner Jackson seconded. All voted in favor. The motion carried.

REQUEST SUBMITTED BY JAY SANDRIDGE, VDCI, TO CONSIDER POSTPONMENT/EXTENSION OF DUE DATE FOR SEALED BID SUBMISSIONS FOR BINGHAM COUNTY MOSQUITO ABATEMENT SERVICES

Present: Jason Williams- VDCI
Jay Sandridge- VDCI
Paul Rogers- County Legal Counsel

The Board met to hold discussion in regards to the request submitted by Jay Sandridge, VDCI, to consider postponement/extension of due date for sealed bid submissions for Bingham County Mosquito Abatement Services.

Jay Sandridge explained that one of the main issues is that there has not been a formal RFP or RFQ put out in the past. Therefore, he wanted to provide input as to different recommendation as to how to develop an RFP that would be better suited for the county and to accommodate the county needs. Mr. Sandridge stated that as the current provider of Mosquito Abatement Services for the county VDCI would like to be sure that things are handled properly and, as stated, needs are met.

Discussion was held in regards to what type of contract has been in place for previous years, wherein Mr. Sandridge explained that there has not been a contract signed recently but originally there was a contract signed for five (5) years and was more of a handshake agreement for the last several years. Mr. Williams stated that a meeting was held between himself and the Mosquito Abatement Board a few years ago due to there being an increase in the price. Another contract was put together at that time but was not fully executed.

Paul Rogers stated one of the concerns mentioned by Mr. Sandridge in looking at the RFP was the one-year term. The one-year term would deter other companies from applying because of the cost to bring in equipment and most companies are not willing to do so for a one-year time period. Mr. Rogers stated that he and Clerk Eckhardt spoke with several counties and was informed that three of those counties do not put out bids because the amounts do not fall under the Code. Mr. Rogers stated that Fremont County has a bidding process wherein their Mosquito Abatement Board handles the bid documents, publishes, collects the bids and brings a recommendation to the Board of County Commissioners for final decision. Mr. Rogers stated that the county should be working closely with the Mosquito Abatement Board for this process.

Chairman Manwaring agreed and stated that is the appropriate way to handle the bids as the Mosquito Abatement Board is their own taxing district.

Mr. Rogers stated at this point the Board could either continue with the bid opening and reject all bids, second the Board could put the bid applicants on notice and have the notice amended with the assistance of the Mosquito Abatement Board and put out at a later date for publication with a new bid opening date.

The Board was in favor of VDCI visiting with the Mosquito Abatement Board to be sure concerns are met and put the other bid applicants on notice that there will be another bid submission and bid opening deadline. After which, the Mosquito Abatement Board will bring their recommendation to the Board for final approval and contract signing.

This matter will be scheduled Monday in order for the Board to make a decision regarding the submitted request.

THE MOTION PASSED TO DISMISS UNTIL MONDAY DECEMBER 8 2025



PAMELA W. ECKHARDT, CLERK
Lindsey Gluch- Commission Clerk-----



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Monday, December 8, 2025
County of Bingham)

THE BOARD OF BINGHAM COUNTY COMMISSIONERS MET IN REGULAR SESSION. The following matters were considered:

PRESENT: Chairman Manwaring
 Commissioner Jackson
 Commissioner Jensen
 Lindsey Gluch- Commission Clerk

DECISION TO POSTPONE BIDDING PROCESS FOR BINGHAM COUNTY MOSQUITO ABATEMENT SERVICES

The Board met to make a decision in regards to postponing the bidding process for Bingham County Mosquito Abatement Services.

Decision: Commissioner Jensen moved to postpone the bidding process for Mosquito Abatement Services, the Mosquito Abatement Board will collect the necessary information and requirements. After which, they will put the matter out for bid. Commissioner Jackson seconded. All voted in favor. The motion carried.

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY DECEMBER 10 2025



PAMELA W. ECKHARDT, CLERK
Lindsey Gluch- Commission Clerk-----



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Wednesday, December 10, 2025
County of Bingham)

THE BOARD OF BINGHAM COUNTY COMMISSIONERS MET IN REGULAR SESSION. The following matters were considered:

PRESENT: Chairman Manwaring
 Commissioner Jackson
 Commissioner Jensen
 Lindsey Gluch- Commission Clerk

CASH WARRANTS

Cash Warrants were approved in the amount of \$3,790.37, \$294.00 and \$97,707.66, for a total of \$101,791.03.

Decision: Commissioner Jackson moved to approve Cash Warrants, Claims, Administrative Documents and Personnel Action Forms. Commissioner Jensen seconded. All voted in favor. The motion carried.

APPROVAL & SIGNING OF FULL SATISFACTION OF DEVELOPMENT AGREEMENT FOR WAPELLO VILLA SUBDIVISION, DIVISION 3

Present: Tiffany Olsen- Planning & Development Director

The Board met to approve and sign a Full Satisfaction of Development Agreement for Wapello Villa Subdivision, Division 3.

Decision: Commissioner Jensen moved to approve and sign the Full Satisfaction of Development Agreement for Wapello Villa Subdivision, Division 3. Commissioner Jackson seconded. All voted in favor. The motion carried.

APPROVAL & SIGNING OF FULL SATISFACTION OF DEVELOPMENT AGREEMENT FOR GREAT WESTERN SUBDIVISION

Present: Tiffany Olsen- Planning & Development Director

The Board met to approve and sign a Full Satisfaction of Development Agreement for Great Western Subdivision.

Decision: Commissioner Jackson moved to approve and sign the Full Satisfaction of Development Agreement for Great Western Subdivision. Commissioner Jensen seconded. All voted in favor. The motion carried.

SHERIFFS OFFICE

Present: Matt Galloway-IT Director
Gary Yancey- Lieutenant

The Board met to hold discussion in regards to three submitted prior approval for purchase documents.

Discussion was held in regards to the prior approval for purchase of Annual Motorola Service Agreement. Said purchase is in the amount of \$97,707.66 and is to be paid from Fund: 28-00-500-00 (911 Emergency Communication Maintenance Line).

Decision: Commissioner Jensen moved to approve the prior approval for purchase of Annual Motorola Service Agreement. Said purchase is in the amount of \$97,707.66 and is to be paid from Fund: 28-00-500-00. Commissioner Jackson seconded. All voted in favor. The motion carried.

Discussion was held in regards to the prior approval for purchase of pistol duty ammo order. Said purchase is in the amount of \$5,878.00 and is to be paid from Fund: 05-02-556-00.

Decision: Commissioner Jensen moved to approve the prior approval for purchase of pistol duty ammo order. Said purchase is in the amount of \$5,878.00 and is to be paid from Fund: 05-02-556-00. Commissioner Jackson seconded. All voted in favor. The motion carried.

Discussion was held in regards to the prior approval for purchase of duty pistol order. Said purchase is in the amount of \$5,316.10 and is to be paid from Fund: 05-02-556-00.

Decision: Commissioner Jackson moved to approve the prior approval for purchase of duty pistol order. Said purchase is in the amount of \$5,316.10 and is to be paid from Fund: 05-02-556-00. Commissioner Jensen seconded. All voted in favor. The motion carried.

PUBLIC WORKS

Present: Dusty Whited- Public Works Director

The Board met with Dusty Whited to discuss updates within the Public Works Department, along with other agenda items.

Discussion was held in regards to the Solid Waste Holiday Schedule for 2026.

The Board had no concerns.

Decision: Commissioner Jensen moved to approve the proposed Solid Waste Holiday Schedule for 2026 as presented. Commissioner Jackson seconded. All voted in favor. The motion carried.

Discussion was held in regards to the prior approval for purchase for engineering costs for the rehab on Ferry Butte Bridge. Said purchase is in the amount of \$32,058.36 and is to be paid from Fund: 32-00-705-00.

Decision: Commissioner Jackson moved to approve the prior approval for purchase for engineering costs for the rehab on Ferry Butte Bridge. Said purchase is in the amount of \$32,058.36 and is to be paid from Fund: 32-00-705-00. Commissioner Jensen seconded. All voted in favor. The motion carried.

MEETING TO RECEIVE A QUARTERLY UPDATE FROM BINGHAM GROUNDWATER

Present: Alan Jackson- Bingham Groundwater
Dusty Whited- Public Works Director
Tiffany Olsen- Planning & Development Director

The Board met with Alan Jackson, Bingham Groundwater, to receive a quarterly update.

HUMAN RESOURCES

Present: Laraine Pope- Human Resources

The Board met with Laraine Pope, Human Resources Director, to discuss updates within the Human Resources Department.

REQUEST SUBMITTED BY ELIAS TREJO TO DISCUSS POTENTIAL GRANT OF EASEMENT FOR ROAD ACCESS TO UPCOMING DEVELOPMENT, WITH POTENTIAL DECISION

Present: Blake Jolley- Connect Engineering
Elias Trejo- Requestee
Dusty Whited- Public Works Director
Tiffany Olsen- Planning & Development Director
Debbie Cunningham- Chief Deputy Assessor
Wendy Mecham- GIS Supervisor
Steven VanOrden- Developer
Travis Allen- City of Blackfoot

The Board met to hold discussion in regards to the request submitted by Elias Trejo to discuss potential grant of easement for road access to upcoming development, with potential decision.

Discussion was held in regards to a potential grant of easement from the county for development to occur on land that is adjacent to the old landfill located off of Wooton Way.

There was no decision made at this time and further research will be done.

PUBLIC HEARING TO ESTABLISH THE ABERDEEN AREA OF CITY IMPACT, IN ACCORDANCE WITH IDAHO CODE SECTION 67-6526, BY ADOPTING AN ORDINANCE WITH A MAP AREA, AND ADOPTING BINGHAM COUNTY CODE TITLE 9 CHAPTER 5, TITLED ABERDEEN AREA OF IMPACT

Present: Marian Wheeler- Resident
Monte (Not Legible)- Resident
Tiffany Olsen- Planning & Development Director
Via Zoom: Paul Rogers- County Legal Counsel

The Board held a Public Hearing to establish the Aberdeen Area of City Impact, in accordance with Idaho Code Section 67-6526, by adopting an Ordinance with a map area, and adopting Bingham County Code Title 9 Chapter 5, Titled Aberdeen Area of Impact. Chairman Manwaring welcomed all to the meeting and introductions were held.

Tiffany Olsen presented Staff Report and explained the Area of Impact. Ms. Olsen stated in July of 2024, the state required new laws related to Area of City Impact boundaries, wherein those laws included specific elements. The first was a deadline of December 30, 2025, to have a negotiated Area of Impact Boundary. Ms. Olsen stated in looking at the boundary, there are certain things that need to be reviewed to be sure code is followed. Those are that there are areas selected that are likely or probable to be annexed into city within the next five (5) years and that the city can or will be able to provide water and sewer services. Ms. Olsen stated in looking at the properties, there are geographic factors such as roads, rivers, and interstates

that are being looked at, as well as the distance. The boundary of an Area of Impact can be no greater than two (2) miles and must show the physical boundaries as entire parcels. Ms. Olsen stated as the county met with each of the cities, it was brought to light that the City of Aberdeen did not have a current impact area boundary.

Ms. Olsen stated that she worked with the City of Aberdeen to determine if they had a proposed boundary, wherein she met with the Mayor and City Council on October 23. Ms. Olsen explained the proposed Area of Impact map, which was placed on the screen within Commission Chambers.

Ms. Olsen specifically addressed the property of Marian Wheeler, wherein she would propose removal of Ms. Wheelers two parcels from the proposed Area of Impact. Ms. Olsen stated that she spoke with Ms. Wheeler and found that the parcels are so far east that it is not an impact to the county to remove said parcels as there is not a residence on the property.

Ms. Olsen reiterated that the hearing today is not an annexation hearing and there will not be any changes to land values or property taxes.

Ms. Olsen stated prior to the hearing today, Planning & Development nor the Commissioners Clerk have received any written testimony.

There were no questions for county staff at this time.

Chairman Manwaring opened the hearing for testimony, which was received as follows:

Chairman Manwaring confirmed there was no testimony in favor.

Chairman Manwaring confirmed there was no testimony in neutral.

Testimony in opposition was received as follows:

Marian Wheeler (CC-8 & CC-8A Map), 2651 W. 1750 S., Aberdeen, stated that she would like to know what she can do about the cemetery staff removing the boundary line marker to her property and trying to force her to get a survey done. Ms. Olsen stated that she learned of this issue during the City of Aberdeen City Council meeting, wherein she believes that is a private property dispute between Ms. Wheeler and the Cemetery District. Ms. Olsen stated that she does not believe that the county has any level of involvement with the situation. Ms. Wheeler asked if she would need to go through the City of Aberdeen to cure this issue, to which Ms. Olsen stated she would encourage reaching out to the Cemetery District.

Ms. Wheeler added that so long as her parcels are being removed, she has no further issues.

Chairman Manwaring closed the Public Hearing to any further testimony and the Board held deliberation as follows:

Chairman Manwaring stated in respect to Ms. Wheeler and the recommendation of Ms. Olsen, he would be in favor of removing the two parcels owned by Ms. Wheeler.

Commissioner Jackson and Commissioner Jensen were both in favor.

Decision: Commissioner Jensen moved to approve Bingham County Ordinance 2025-15, an ordinance providing for the identification of an area within the county of Bingham as an Impact Area for the City of Aberdeen; providing for the ordinances and regulations to apply within such identified impact area map; providing for the administration and enforcement of such ordinances and regulations; providing for a repealer clause; providing for severability; providing that this ordinance shall be in full force and effect as of its passage, approval and publication according to law. Commissioner Jensen added that the two parcels for Marian Wheeler would be removed from

the proposed boundary (RP0458504 and RP0458700). Commissioner Jackson seconded. All voted in favor. The motion carried and said ordinance was approved and recorded as follows:

BINGHAM COUNTY ORDINANCE NO. 2025-15

AN ORDINANCE PROVIDING FOR THE IDENTIFICATION OF AN AREA WITHIN THE COUNTY OF BINGHAM AS AN IMPACT AREA FOR THE CITY OF ABERDEEN; PROVIDING FOR THE ORDINANCES AND REGULATIONS TO APPLY WITHIN SUCH IDENTIFIED IMPACT AREA MAP; PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF SUCH ORDINANCES AND REGULATIONS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT AS OF ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Idaho Code Section 67-6526 requires that Cities and Counties shall adopt an Area of Impact (AOI) as identified on a map wherein the AOI within the unincorporated area of the County is identified, and by separate ordinance, provide for the application of plans and ordinances within the AOI; and

WHEREAS, the City of Aberdeen ("City") and Bingham County ("County") have agreed to negotiate the AOI Agreement and map following the requirements of Idaho Code Section 67-6526; and

WHEREAS, such negotiations considered the following factors, among others:

1. Anticipated Growth;
2. Geographic Factors;
3. Areas that can reasonably be expected to be annexed into the City in the future;
4. Areas where municipal or public sewer and water services are expected to be provided within five (5) years; and
5. Other public service District boundaries.

WHEREAS, the County has held hearings on the proposed AOI in accordance with due and regular notice procedures of Idaho Code Sections 67-6509 and 67-6526 in coordination with the City; and

WHEREAS, the governing boards for the City and the County have each agreed to the Area of City Impact with a boundary map, attached hereto and incorporated herein as Exhibit "A" for the City of Aberdeen.

NOW THEREFORE, BE IT ORDAINED BY THE BINGHAM COUNTY BOARD OF COUNTY COMMISSIONERS, AS FOLLOWS:

SECTION 1: PURPOSE

The purpose of this ordinance is to establish an Area of Impact (AOI) and map for the City of Aberdeen as required by Idaho Code Section 67-6526. This ordinance ensures coordination between Bingham County and the City of Aberdeen in planning and zoning matters while recognizing the County's jurisdiction over unincorporated areas.

SECTION 2: BOUNDARIES OF THE AREA OF IMPACT

The boundaries of the Area of Impact shall be depicted on the official map attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 3: APPLICABLE PLANS AND ORDINANCES

A. **Comprehensive Plan:** The Bingham County Comprehensive Plan, as amended and any subsequent amendments, shall apply within the AOI. The City of Aberdeen's Comprehensive Plan may be considered as an advisory document for planning purposes within the AOI.

B. **Zoning Ordinance:** The Bingham County zoning ordinances, zoning map, and subdivision ordinances, as amended and any subsequent amendments, shall apply within the AOI.

SECTION 4: NOTICE

Any application for a change in the Comprehensive Plan, zoning ordinances, conditional use permits, variances, or subdivision plats shall be submitted to the City at least thirty (30) days before any proposed action, with the City having the right to review plans and make recommendations for change or provide other evidence pertinent to the application, if desired.

SECTION 5: PUBLIC UTILITIES

All subdivisions and commercial or industrial developments approved in the AOI shall be required to connect to City sewer and water services if such are within three hundred feet (300') of existing facilities. The City's fees, rules, ordinances, and regulations pertaining to such services shall apply.

SECTION 6: REVIEW AND MODIFICATION

The AOI boundary map shall be reviewed at least once every five (5) years to determine if modifications are necessary. Any modifications shall follow the procedures as required in Idaho Code Section 67-6526.

SECTION 7: ENFORCEMENT

The County shall enforce the applicable ordinances, permits, and licenses in the AOI.

SECTION 8: SEVERABILITY

The provisions of this ordinance are severable, and in the event any provision hereof is determined to be unenforceable or invalid for any reason, such determination shall not affect the enforceability of the remaining provisions.

SECTION 9: EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND APPROVED on this 10th day of December, 2025.

BOARD OF COUNTY COMMISSIONERS
BINGHAM COUNTY, IDAHO




WHITNEY MANWARING, CHAIRMAN

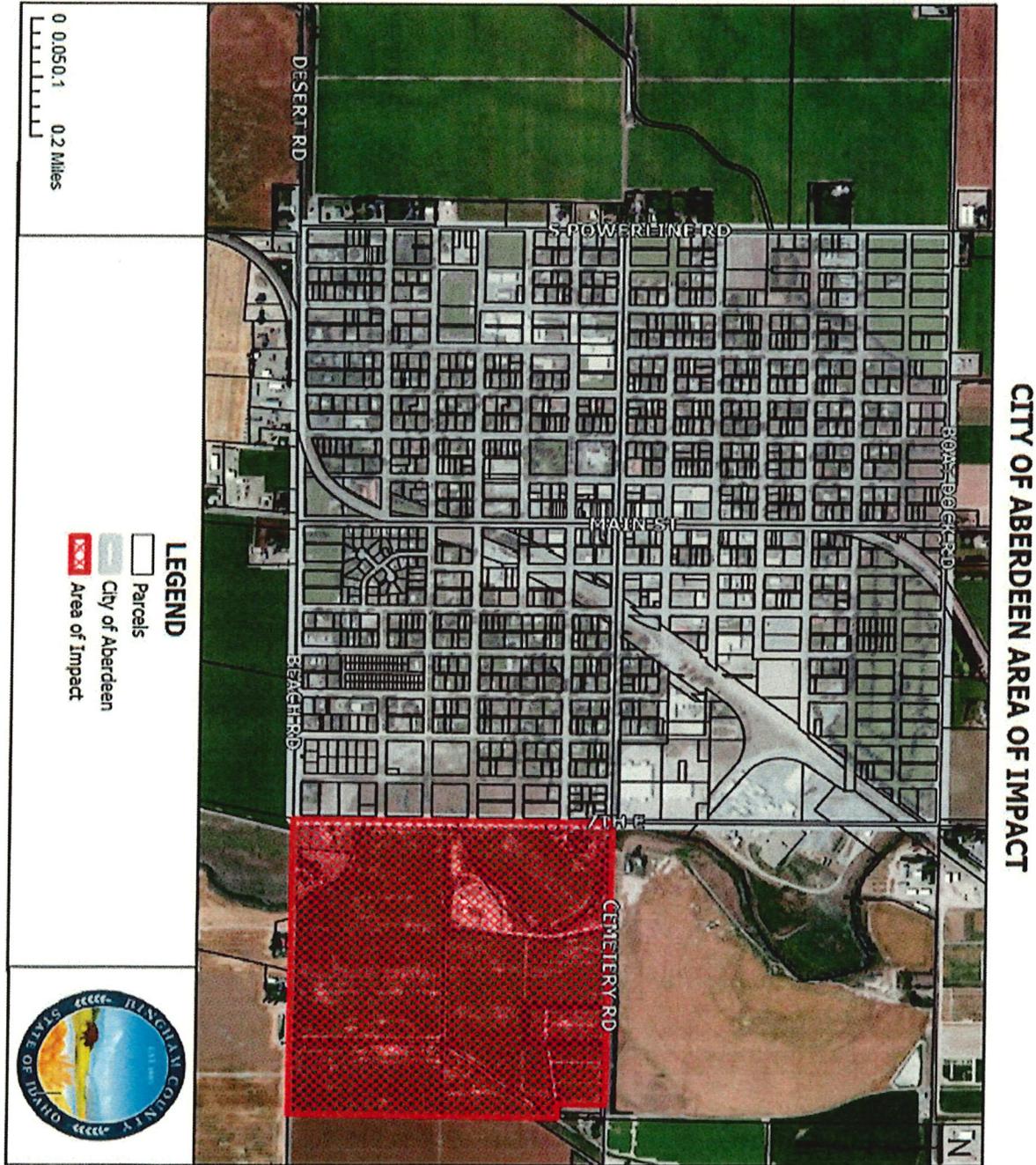

DREW JENSEN, COMMISSIONER


ERIC JACKSON, COMMISSIONER

BINGHAM COUNTY CLERK

Attest: 
PAMELA W. ECKHARDT

**EXHIBIT "A"
AREA OF IMPACT MAP**



Commissioner Jackson moved to approve Bingham County Ordinance 2025-16, an Ordinance of Bingham County, a political subdivision of the State of Idaho, enacting a new Title 9 Chapter 5 "Aberdeen Area of City Impact" that provides for the ordinances and regulations that apply within

such identified impact area map; providing for the administration and enforcement of such ordinances and regulations; providing for a repealer clause; providing for severability; providing that this ordinance shall be in full force and effect from and after its passage, approval, and publication according to law. Commissioner Jensen seconded. All voted in favor. The motion carried and said ordinance was approved and recorded as follows:

BINGHAM COUNTY ORDINANCE 2025-16

**TITLE 9 "AREAS OF IMPACT"
CHAPTER 5 "ABERDEEN AREA OF IMPACT"**

AN ORDINANCE OF BINGHAM COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, ENACTING A NEW TITLE 9 CHAPTER 5 "ABERDEEN AREA OF CITY IMPACT" THAT PROVIDES FOR THE ORDINANCES AND REGULATIONS THAT APPLY WITHIN SUCH IDENTIFIED IMPACT AREA MAP; PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF SUCH ORDINANCES AND REGULATIONS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Idaho Code Section 67-6526 requires that Cities and Counties shall adopt an Area of Impact (AOI) as identified on a map wherein the AOI within the unincorporated area of the County is identified, and by separate ordinance, provide for the application of plans and ordinances within the AOI; and

WHEREAS, the City of Aberdeen ("City") and Bingham County ("County") have agreed to negotiate the AOI Agreement and map following the requirements of Idaho Code Section 67-6526; and

WHEREAS, such negotiations considered the following factors, among others:

1. Anticipated Growth;
2. Geographic Factors;
3. Areas that can reasonably be expected to be annexed into the City in the future;
4. Areas where municipal or public sewer and water services are expected to be provided within five (5) years; and
5. Other public service District boundaries.

WHEREAS, the County has held hearings on the proposed AOI in accordance with due and regular notice procedures of Idaho Code Sections 67-6509 and 67-6526 in coordination with the City; and

WHEREAS, the governing boards for the City and the County have each agreed to the Area of City Impact with a boundary map, attached hereto and incorporated herein as Exhibit "A" for the City of Aberdeen.

NOW THEREFORE, BE IT ORDAINED BY THE BINGHAM COUNTY BOARD OF COUNTY COMMISSIONERS, AS FOLLOWS:

SECTION 1: That Title 9 Chapter 5 read as follows:

9-5-1: PURPOSE

The purpose of this ordinance is to establish an Area of Impact (AOI) and map for the City of Aberdeen as required by Idaho Code Section 67-6526. This ordinance ensures coordination between Bingham County and the City of Aberdeen in planning and zoning matters while recognizing the County's jurisdiction over unincorporated areas.

9-5-2: BOUNDARIES OF THE AREA OF IMPACT

The boundaries of the Area of Impact shall be depicted on the official map identified as Exhibit "A" on file with the Bingham County Planning and Development Services Department and incorporated herein by reference.

9-5-3: APPLICABLE PLANS AND ORDINANCES

A. Comprehensive Plan: The Bingham County Comprehensive Plan, as amended and any subsequent amendments, shall apply within the AOI. The City of Aberdeen's Comprehensive Plan may be considered as an advisory document for planning purposes within the AOI.

B. Zoning Ordinance: The Bingham County zoning ordinances, zoning map, and subdivision ordinances, as amended and any subsequent amendments, shall apply within the AOI.

9-5-4: NOTICE

Any application for a change in the Comprehensive Plan, zoning ordinances, conditional use permits, variances, or subdivision plats shall be submitted to the City at least thirty (30) days before any proposed action, with the City having the right to review plans and make recommendations for change or provide other evidence pertinent to the application, if desired.

9-5-5: PUBLIC UTILITIES

All subdivisions and commercial or industrial developments approved in the AOI shall be required to connect to City sewer and water services if such are within three hundred feet (300') of existing facilities. The City's fees, rules, ordinances, and regulations pertaining to such services shall apply.

9-5-6: REVIEW AND MODIFICATION

The AOI boundary map shall be reviewed at least once every five (5) years to determine if modifications are necessary. Any modifications shall follow the procedures as required in Idaho Code Section 67-6526.

9-5-7: ENFORCEMENT

The County shall enforce the applicable ordinances, permits, and licenses in the AOI.

SECTION 2: That all other portions of Ordinance No. 84-2 not herein amended shall remain in full force and effect.

SECTION 3: This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND APPROVED on this 10th day of December, 2025.

BOARD OF COUNTY COMMISSIONERS
BINGHAM COUNTY, IDAHO




WHITNEY MANWARING, CHAIRMAN


DREW JENSEN, COMMISSIONER


ERIC JACKSON, COMMISSIONER

BINGHAM COUNTY CLERK

Attest: 
PAMELA W. ECKHARDT

PUBLIC HEARING TO AMEND THE BASALT AREA OF CITY IMPACT, IN ACCORDANCE WITH IDAHO CODE SECTION 67-6526, BY ADOPTING AN ORDINANCE WITH A MAP AREA, AND ADOPTING BINGHAM COUNTY CODE TITLE 9 CHAPTER 4, TITLED BASALT AREA OF CITY IMPACT

Present: Robyn Mitchell- City of Basalt
Bryon Johnson- City of Basalt
Tiffany Olsen- Planning & Development Director
Via Zoom: Paul Rogers- County Legal Counsel

The Board held a Public hearing to amend the Basalt Area of City Impact, in accordance with Idaho Code Section 68-65626, by adopting an ordinance with a map area, and adopting Bingham County Code Title 9 Chapter 4, Titled Basalt Area of City Impact. Chairman Manwaring welcomed all to the meeting and introductions were held for the record.

Tiffany Olsen reviewed the Area of Impact and the process that was followed. Ms. Olsen explained the current Area of City Impact and the proposed/negotiated area between the city and the county to date.

Ms. Olsen stated that the Planning & Development office nor the Commission Clerk has received any written testimony prior to this Public Hearing.

Chairman Manwaring opened the Public Hearing to testimony, wherein there was no testimony in favor, in neutral, nor in opposition.

The Board had no questions or concerns.

Decision: Commissioner Jensen moved to approve Bingham County Ordinance 2025-07, an ordinance providing for the identification of an area within the county of Bingham as an impact area for the City of Basalt; providing for the ordinances and regulations to apply within such identified impact area map; providing for the administration and enforcement of such ordinances and regulations; providing for a repealer clause; providing for severability; and providing that this ordinance shall be in full force and effect as of its passage, approval, and publication according to law. Commissioner Jackson seconded. All voted in favor. The motion carried and said ordinance was approved and recorded as follows:

BINGHAM COUNTY ORDINANCE NO. 2025-17

AN ORDINANCE PROVIDING FOR THE IDENTIFICATION OF AN AREA WITHIN THE COUNTY OF BINGHAM AS AN IMPACT AREA FOR THE CITY OF BASALT; PROVIDING FOR THE ORDINANCES AND REGULATIONS TO APPLY WITHIN SUCH IDENTIFIED IMPACT AREA MAP; PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF SUCH ORDINANCES AND REGULATIONS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT AS OF ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Idaho Code Section 67-6526 requires that Cities and Counties shall adopt an Area of Impact (AOI) as identified on a map wherein the AOI within the unincorporated area of the County is identified, and by separate ordinance, provide for the application of plans and ordinances within the AOI; and

WHEREAS, the City of Basalt ("City") and Bingham County ("County") entered into an Impact Area Agreement with a map on May 18, 2009; and

WHEREAS, the City and the County have agreed to negotiate the Agreement and map following the requirements of Idaho Code Section 67-6526; and

WHEREAS, such negotiations considered the following factors, among others:

1. Anticipated Growth;
2. Geographic Factors;
3. Areas that can reasonably be expected to be annexed into the City in the future;
4. Areas where municipal or public sewer and water services are expected to be provided within five (5) years; and
5. Other public service District boundaries.

WHEREAS, the County has held hearings on the proposed AOI in accordance with due and regular notice procedures of Idaho Code Sections 67-6509 and 67-6526 in coordination with the City; and

WHEREAS, the governing boards for the City and the County have each agreed to the Area of City Impact with a boundary map, attached hereto and incorporated herein as Exhibit "A" for the City of Basalt.

NOW THEREFORE, BE IT ORDAINED BY THE BINGHAM COUNTY BOARD OF COUNTY COMMISSIONERS, AS FOLLOWS:

SECTION 1: PURPOSE

The purpose of this ordinance is to establish an Area of Impact (AOI) and map for the City of Basalt as required by Idaho Code Section 67-6526. This ordinance ensures coordination between

Bingham County and the City of Basalt in planning and zoning matters while recognizing the County's jurisdiction over unincorporated areas.

SECTION 2: BOUNDARIES OF THE AREA OF IMPACT

The boundaries of the Area of Impact shall be depicted on the official map attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 3: APPLICABLE PLANS AND ORDINANCES

A. Comprehensive Plan: The Bingham County Comprehensive Plan, as amended and any subsequent amendments, shall apply within the AOI. The City of Basalt's Comprehensive Plan may be considered as an advisory document for planning purposes within the AOI.

B. Zoning Ordinance: The Bingham County zoning ordinances, zoning map, and subdivision ordinances, as amended and any subsequent amendments, shall apply within the AOI.

SECTION 4: NOTICE

Any application for a change in the Comprehensive Plan, zoning ordinances, conditional use permits, variances, or subdivision plats shall be submitted to the City at least thirty (30) days before any proposed action, with the City having the right to review plans and make recommendations for change or provide other evidence pertinent to the application, if desired.

SECTION 5: PUBLIC UTILITIES

All subdivisions and commercial or industrial developments approved in the AOI shall be required to connect to City sewer and water services if such are within three hundred feet (300') of existing facilities. The City's fees, rules, ordinances, and regulations pertaining to such services shall apply.

SECTION 6: REVIEW AND MODIFICATION

The AOI boundary map shall be reviewed at least once every five (5) years to determine if modifications are necessary. Any modifications shall follow the procedures as required in Idaho Code Section 67-6526.

SECTION 7: ENFORCEMENT

The County shall enforce the applicable ordinances, permits, and licenses in the AOI.

SECTION 8: SEVERABILITY

The provisions of this ordinance are severable, and in the event any provision hereof is determined to be unenforceable or invalid for any reason, such determination shall not affect the enforceability of the remaining provisions.

SECTION 9: EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

ACKNOWLEDGED AND ACCEPTED on this 11th day of December, 2025.

CITY OF BASALT, IDAHO

Rex Mitchell
REX MITCHELL, MAYOR

BASALT CITY CLERK

Attest: *Robyn Mitchell*
ROBYN MITCHELL

PASSED AND APPROVED on this 10th day of December 2025.

BOARD OF COUNTY COMMISSIONERS
BINGHAM COUNTY, IDAHO

Whitney Manwaring
WHITNEY MANWARING, CHAIRMAN

Drew Jensen
DREW JENSEN, COMMISSIONER

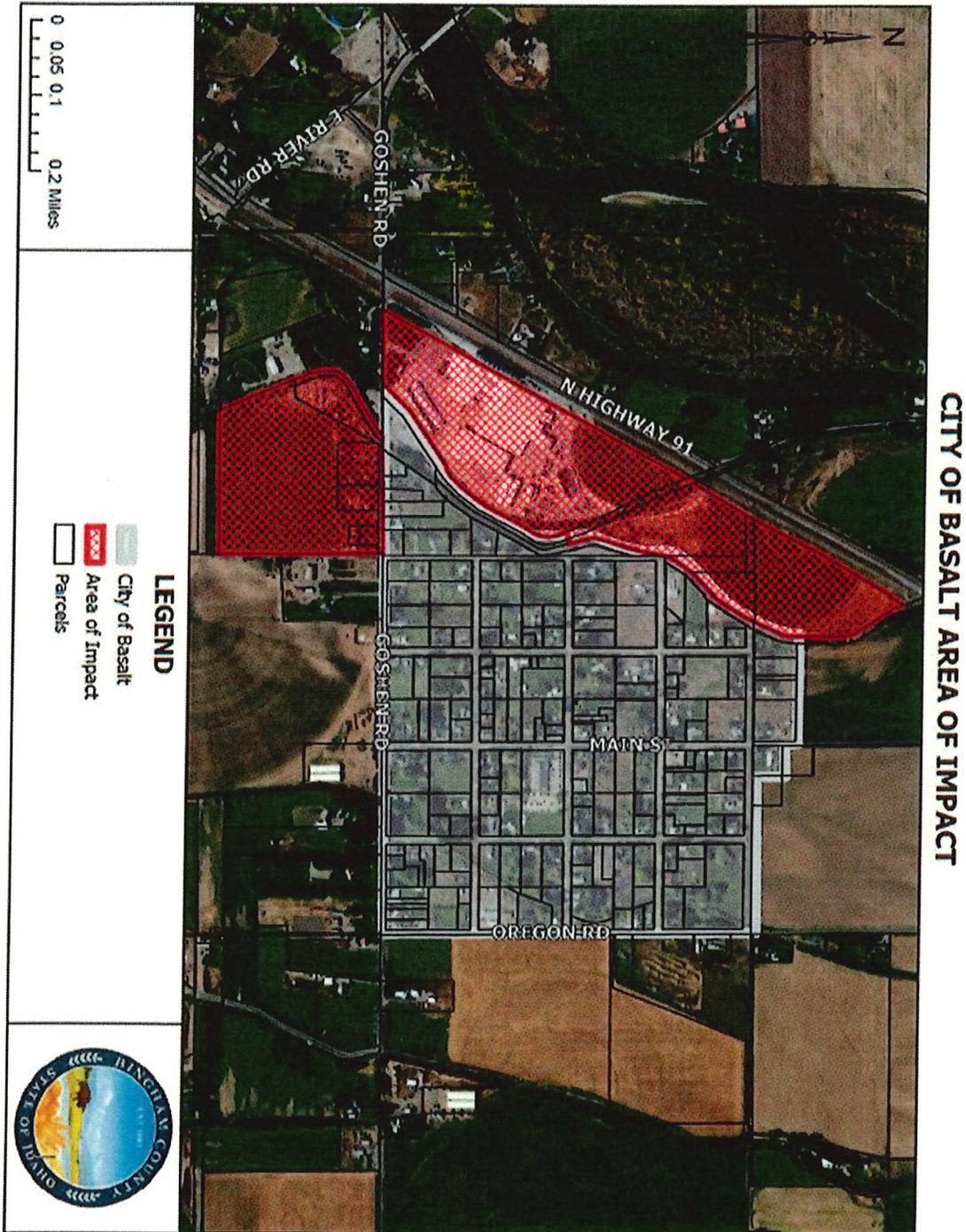
Eric Jackson
ERIC JACKSON, COMMISSIONER



BINGHAM COUNTY CLERK

Attest: *Pamela Eckhardt*
PAMELA W. ECKHARDT

EXHIBIT "A"
AREA OF IMPACT MAP



Commissioner Jackson moved to approve and sign Bingham County Ordinance 2025-18, an ordinance of Bingham County, a political subdivision of the State of Idaho, repealing Title 9 Chapter 4 Titled "Basalt Area of City Impact", providing for a new area of impact map boundary, and ordinances and regulations that apply within such identified impact area map; providing for the administration and enforcement of such ordinances and regulations; providing for a repealer clause; providing for severability; and providing that this ordinance shall be in full force and effect from and after its passage, approval, and publication and according to law. Commissioner Jensen seconded. All voted in favor. The motion carried and said Ordinance was approved and recorded as follows:

SECTION 1: That Title 9 Chapter 4 be repealed and replaced with the following:

9-4-1: PURPOSE

The purpose of this ordinance is to establish an Area of Impact (AOI) and map for the City of Basalt as required by Idaho Code Section 67-6526. This ordinance ensures coordination between Bingham County and the City of Basalt in planning and zoning matters while recognizing the County's jurisdiction over unincorporated areas.

9-4-2: BOUNDARIES OF THE AREA OF IMPACT

The boundaries of the Area of Impact shall be depicted on the official map identified as Exhibit "A" on file with the Bingham County Planning and Development Services Department and incorporated herein by reference.

9-4-3: APPLICABLE PLANS AND ORDINANCES

A. Comprehensive Plan: The Bingham County Comprehensive Plan, as amended and any subsequent amendments, shall apply within the AOI. The City of Basalt's Comprehensive Plan may be considered as an advisory document for planning purposes within the AOI.

B. Zoning Ordinance: The Bingham County zoning ordinances, zoning map, and subdivision ordinances, as amended and any subsequent amendments, shall apply within the AOI.

9-4-4: NOTICE

Any application for a change in the Comprehensive Plan, zoning ordinances, conditional use permits, variances, or subdivision plats shall be submitted to the City at least thirty (30) days before any proposed action, with the City having the right to review plans and make recommendations for change or provide other evidence pertinent to the application, if desired.

9-4-5: PUBLIC UTILITIES

All subdivisions and commercial or industrial developments approved in the AOI shall be required to connect to City sewer and water services if such are within three hundred feet (300') of existing facilities. The City's fees, rules, ordinances, and regulations pertaining to such services shall apply.

9-4-6: REVIEW AND MODIFICATION

The AOI boundary map shall be reviewed at least once every five (5) years to determine if modifications are necessary. Any modifications shall follow the procedures as required in Idaho Code Section 67-6526.

9-4-7: ENFORCEMENT

The County shall enforce the applicable ordinances, permits, and licenses in the AOI.

SECTION 2: That all other portions of Ordinance No. 84-2 not herein amended shall remain in full force and effect.

SECTION 3: This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND APPROVED on this 10th day of December, 2025.

BOARD OF COUNTY COMMISSIONERS
BINGHAM COUNTY, IDAHO




WHITNEY MANWARING, CHAIRMAN


DREW JENSEN, COMMISSIONER


ERIC JACKSON, COMMISSIONER

BINGHAM COUNTY CLERK

Attest: 
PAMELA W. ECKHARDT

PUBLIC HEARING TO AMEND THE BLACKFOOT AREA OF CITY IMPACT, IN ACCORDANCE WITH IDAHO CODE SECTION 67-6526, BY ADOPTING AN ORDINANCE WITH A MAP AREA, AND ADOPTING BINGHAM COUNTY CODE TITLE 9 CHAPTER 1 TITLED BLACKFOOT AREA OF CITY IMPACT

Present: Lyle Yancey- Groveland Water Sewer District
Kelly Foster
Clark Allen
Steven Brockett
Marc Carroll
Grahm Andersen
Shon Gregersen
Jerry Gregersen
Chris Gregersen
Ralene Patten
Court Patten
Tiffany Olsen- Planning & Development Director
Via Zoom: Paul Rogers- County Legal Counsel

The Board held a Public Hearing to amend the Blackfoot Area of City Impact, in accordance with Idaho Code Section 67-6526, by adopting an ordinance with a map area, and adopting Bingham County Code Title 9 Chapter 1, titled Blackfoot Area of City Impact. Chairman Manwaring welcomed all to the meeting and introductions were held.

Ms. Olsen stated the current City of Blackfoot Area of Impact is quite large and the county looked at geographic features, areas where the city has annexed over the last five (5) and ten (10) years, to gather where growth has occurred, as well as the regulations that are within the ordinance. Ms. Olsen explained the current and proposed boundaries.

Ms. Olsen stated the proposed new boundaries were provided to the City of Blackfoot on the 10th of October, requesting to negotiate the Area of Impact. On the 24th, the Mayor indicated that there were new restrictions and legislation regarding annexation and how cities can annex, which has made the process more complicated for cities. Knowing that, the City of Blackfoot chose to focus on the infill and work within the city as they would like to see city development standards within the Area of Impact but their current Impact Agreement did not provide for that and only provided for county development regulations. Ms. Olsen stated the county was not able to meet with the City of Blackfoot. Therefore, through meeting with the Board of County Commissioners, her department has prepared the map before the Board today, which has been provided to the City of Blackfoot on the 7th of November. Ms. Olsen reviewed the requirements that were met and that notice has been mailed/published.

From those notices, there was one (1) written testimony received from the following:

Jessica Anderson (CC-9), who resides at 56 North. 100 W., Blackfoot, in opposition of the Area of Impact boundary. Ms. Olsen stated that individuals have relayed that they are concerned about their property being annexed into the City through this Public Hearing, which is not what will occur. Ms. Olsen wanted to be clear that annexation is a separate process that will occur through the City of Blackfoot.

Chairman Manwaring confirmed there were no questions for county staff and the Public Hearing was opened for testimony, which was received as follows:

Testimony in favor:

Travis Allen (CC-10), City of Blackfoot, stated that the City of Blackfoot is in favor of the proposed Area of Impact, but that he had a few comments within the agreement verbiage. Mr. Allen referred to Section 3: Public Utilities, the first sentence which states, "All Subdivisions and Commercial and Industrial

Developments improved in the AOI shall be required to connect to City sewer and water services if such are reasonably available". Mr. Allen stated that the City of Blackfoot would propose adding that "with permission", which will give the city the ability to refuse service within the Impact Area. Chairman Manwaring stated that he would agree with the proposal and Ms. Olsen stated that could be amended as proposed.

Mr. Allen referred to the property owned by Robert Olsen (RP032710 and RP032711), which is not part of the Area of Impact but would create an enclave as the city does have a water line that runs up the road and comes into the back of Champions Gate Subdivision. Therefore, Mr. Allen would like the Board to consider adding the two parcels to the Area of Impact.

Next, Mr. Allen stated there is another property owned by William & Rita Pope, which is leased by the city for the driving range, that would complete and fill in that enclave for the Area of Impact.

Mr. Allen stated that the City of Blackfoot is concerned about the effects of the Agricultural Protection Act and that any farm land that is over five (5) acres can be applied to be placed within that but they cannot be in an Area of Impact. Therefore, there is a negative connotation there but if the property owner does apply for and is granted, the property cannot be touched, even with eminent domain, for over twenty (20) years.

Testimony in neutral was received as follows:

Lyle Yancey (CC-11), Groveland Water and Sewer District, expressed his appreciation of the Area of Impact being negotiated and modified. In looking at the proposed map and considering the locations of the Area of Impact in the Groveland area, he questions if there is a need for the City Area of Impact there. Mr. Yancey stated that generally water and sewer services are provided by Groveland Water and Sewer District, except for a small area under a contract Memorandum of Understanding. Mr. Yancey stated if the area of impact is based off of being contiguous, he could understand that, but if it based off of providing utilities, that should be reconsidered.

Testimony in opposition was received as follows:

Jerry Gregersen (CC-12), 40 N. 400 W., Blackfoot, stated that he owns Non-Pareil Corporate Office Building and is in opposition as there is no benefit but it would raise his property taxes.

Ms. Olsen reiterated that the Area of Impact will not affect the property taxes but in the event in the future, the property is annexed into the city limits, there will be a city designation for taxes.

Mr. Gregersen stated the property has its own well and is a part of the Groveland Water and Sewer District. Mr. Gregersen stated this area will not be developed and there is no value.

Shon Gregersen (CC-13) 40 N. 400 W., Blackfoot, stated that he is also in opposition as there is no benefit as there will not be growth in the area. Mr. Gregersen stated that he is under the impression that this is the first stop towards annexation and he would like to stop it before it goes further. Mr. Gregersen stated that he has spoken to many surrounding business owners and they are all in opposition as well and do not want to be a part of the Area of Impact.

Kelly Foster (CC-14) 405 W. Riverton Rd., Blackfoot, stated that he is in opposition as there is no value and he does not want his property taxes increasing. Mr. Foster stated there is no benefit and if the property is annexed, he feels as though the City of Blackfoot needs to make improvements with water and sewage.

Clark Allen (CC-15) 2058 Hepworth Lane, stated that he owns 10 acres and 4 separate parcels. Mr. Allen stated that he is in opposition to being included within the Impact Area and that he has no intention nor does he want to be annexed into the city. Mr. Allen stated that he has his own well, septic and there will be no development. Therefore, there would be no benefit to being included.

Ms. Olsen asked Legal Counsel, at the conclusion of testimony, where the county is not aware if there are water and sewer services currently extended to the east of the subject boundary area and if there is likely

to be water and sewer services in the next five years. Ms. Olsen stated under the code section, it needs to be served or will be served within the next five years and if there is the possibility, there is viability for them to remain in the impact area. Mr. Allen stated when he moved to the property, there was a waterline placed but no sewer from Hepworth to Seefried. Chairman Manwaring stated what where Mr. Allen's property is already located within the impact area and have been for quite some time, asked Mr. Allen if he had an issue with remaining in the Area of Impact but add the proposed language from the City of Blackfoot that they cannot force the property owner to hook up to city services. Mr. Allen stated that would be a favorable change and he felt it important that he speak against the Area of Impact because he is against annexation.

Chairman Manwaring confirmed there was no further testimony and the Public Hearing was closed. The Commissioners held deliberation as follows:

Chairman Manwaring stated there are several areas that need to be addressed, starting with the two parcels belonging to Robert Olsen, wherein the Olsen's are farmers and will continue to farm the ground. Therefore, he is in favor of removing those parcels from the Area of Impact.

Next, Chairman Manwaring referred to the property owned by Rita Pope, wherein he is also in favor of leaving said property out of the Area of Impact. Commissioner Jackson and Commissioner Jensen were both in agreeance of leaving the Olsen and Pope properties out of the Area of Impact.

Next, discussion was held in regard to the Gregersen property (Non-Pareil) located at 40 N 400 W., Blackfoot, wherein Chairman Manwaring stated that he is in favor of removing the property from the proposed Area of Impact as they have their own well and are hooked up to Groveland Water and Sewer District. Commissioner Jackson and Commissioner Jensen were also in favor.

Next, discussion was held in regards to the property of Kelly Foster on Riverton Road, wherein Chairman Manwaring stated that it is interesting that his pasture is located within the city and his home is located within the county but he feels that Mr. Foster would be more comfortable remaining in the Area of Impact as proposed, so long as the verbiage is added that he will not be forced to hook up to city water and sewer. Commissioner Jackson and Commissioner Jensen agreed.

Next, discussion as held in regards to the property owned by Clark Allen, 2058 Hepworth, wherein Chairman Manwaring stated that the subject property is bordered by agriculture land and after hearing the testimony from Mr. Allen, he is in favor of removing Mr. Allen's property from the Area of Impact. Commissioner Jackson and Commissioner Jensen agreed.

Decision: Commissioner Jensen moved to approve and sign Bingham County Ordinance 2025-19, an ordinance providing for the identification of an area within the County of Bingham as an impact area for the City of Blackfoot; providing for the ordinances and regulations to apply within such identified impact area map; providing for the administration and enforcement of such ordinances and regulations; providing for a repealer clause; providing for severability; providing that the ordinance shall be in full force and effect as of its passage, approval and publication according to law, with amendments to not include the area around the Non-Pareil property and around Highway 26 area, the property owned by Robert Olsen, the property owned by Rita Pope, the property of Clark Allen on Hepworth Lane and adding the verbiage to Section 3, "with city permission". Commissioner Jackson seconded. All voted in favor. The motion carried and said ordinance was approved and recorded as follows:

Instrument # 776555
BINGHAM COUNTY
12-29-2025 10:06:51 AM No. of Pages: 4
Recorded for : BINGHAM COUNTY COMMISSIONERS
PAMELA W. ECKHARDT Fee: 0.00
Ex-Officio Recorder Deputy *MP+BS*

BINGHAM COUNTY ORDINANCE NO. 2025-19

AN ORDINANCE PROVIDING FOR THE IDENTIFICATION OF AN AREA WITHIN THE COUNTY OF BINGHAM AS AN IMPACT AREA FOR THE CITY OF BLACKFOOT; PROVIDING FOR THE ORDINANCES AND REGULATIONS TO APPLY WITHIN SUCH IDENTIFIED IMPACT AREA MAP; PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF SUCH ORDINANCES AND REGULATIONS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT AS OF ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Idaho Code Section 67-6526 requires that Cities and Counties shall adopt an Area of Impact (AOI) as identified on a map wherein the AOI within the unincorporated area of the County is identified, and by separate ordinance, provide for the application of plans and ordinances within the AOI; and

WHEREAS, the City of Blackfoot ("City") and Bingham County ("County") entered into an Impact Area Agreement with a map on September 30, 2002; and

WHEREAS, the City and the County have agreed to negotiate the Agreement and map following the requirements of Idaho Code Section 67-6526; and

WHEREAS, such negotiations considered the following factors, among others:

1. Anticipated Growth;
2. Geographic Factors;
3. Areas that can reasonably be expected to be annexed into the City in the future;
4. Areas where municipal or public sewer and water services are expected to be provided within five (5) years; and
5. Other public service District boundaries.

WHEREAS, the County has held hearings on the proposed AOI in accordance with due and regular notice procedures of Idaho Code Sections 67-6509 and 67-6526 with notification to the City; and

WHEREAS, the Blackfoot Area of City Impact with a boundary map, is attached hereto and incorporated herein as Exhibit "A".

NOW THEREFORE, BE IT ORDAINED BY THE BINGHAM COUNTY BOARD OF COUNTY COMMISSIONERS, AS FOLLOWS:

SECTION 1: PURPOSE

The purpose of this ordinance is to establish an Area of Impact (AOI) and map for the City of Blackfoot as required by Idaho Code Section 67-6526. This ordinance ensures coordination

between Bingham County and the City of Blackfoot in planning and zoning matters while recognizing the County's jurisdiction over unincorporated areas.

SECTION 2: BOUNDARIES OF THE AREA OF IMPACT

The boundaries of the Area of Impact shall be depicted on the official map attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 3: APPLICABLE PLANS AND ORDINANCES

A. **Comprehensive Plan:** The Bingham County Comprehensive Plan, as amended and any subsequent amendments, shall apply within the AOI. The City of Blackfoot's Comprehensive Plan may be considered as an advisory document for planning purposes within the AOI.

B. **Zoning Ordinance:** The Bingham County zoning ordinances, zoning map, and subdivision ordinances, as amended and any subsequent amendments, shall apply within the AOI.

SECTION 4: NOTICE

Any application for a change in the Comprehensive Plan, zoning ordinances, conditional use permits, variances, or subdivision plats shall be submitted to the City at least thirty (30) days before any proposed action, with the City having the right to review plans and make recommendations for change or provide other evidence pertinent to the application, if desired.

SECTION 5: PUBLIC UTILITIES

All subdivisions and commercial or industrial developments approved in the AOI shall be required to connect to City sewer and water services if such are reasonably available, with City approval. The City's fees, rules, ordinances, and regulations pertaining to such services shall apply.

SECTION 6: REVIEW AND MODIFICATION

The AOI boundary map shall be reviewed at least once every five (5) years to determine if modifications are necessary. Any modifications shall follow the procedures as required in Idaho Code Section 67-6526.

SECTION 7: ENFORCEMENT

The County shall enforce the applicable ordinances, permits, and licenses in the AOI.

SECTION 8: SEVERABILITY

The provisions of this ordinance are severable, and in the event any provision hereof is determined to be unenforceable or invalid for any reason, such determination shall not affect the enforceability of the remaining provisions.

SECTION 9: EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

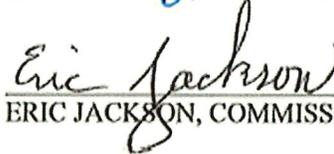
PASSED AND APPROVED on this 10th day of December, 2025.

BOARD OF COUNTY COMMISSIONERS
BINGHAM COUNTY, IDAHO




WHITNEY MANWARING, CHAIRMAN

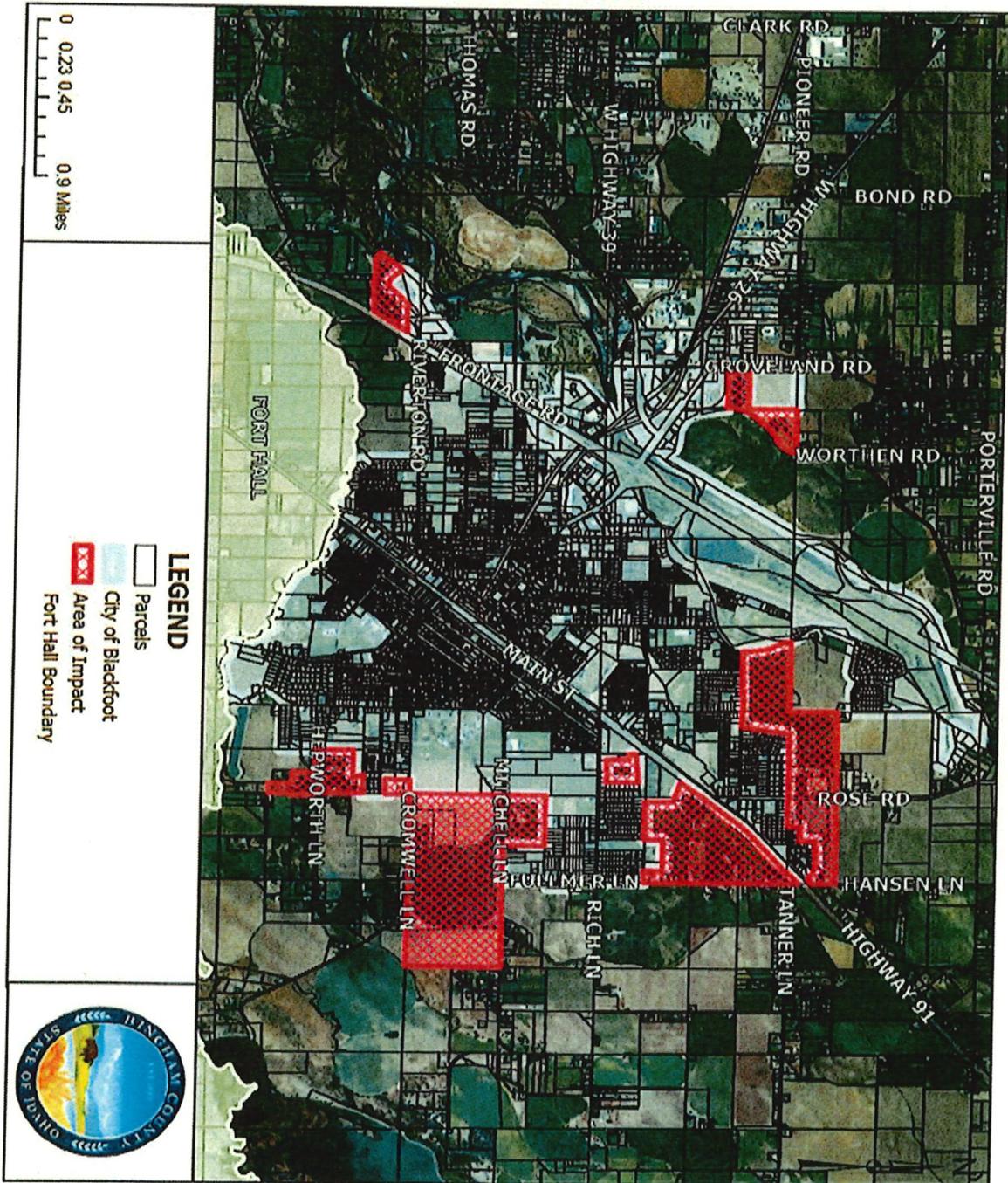

DREW JENSEN, COMMISSIONER


ERIC JACKSON, COMMISSIONER

BINGHAM COUNTY CLERK

Attest: 
PAMELA W. ECKHARDT

EXHIBIT "A"
 AREA OF IMPACT MAP



CITY OF BLACKFOOT AREA OF IMPACT

Commissioner Jackson moved to approve and sign Bingham County Ordinance 2025-20, an ordinance of Bingham County, a political subdivision of the State of Idaho, repealing Title 9 Chapter 1 Titled "Blackfoot Area of City Impact" and enacting a new ordinance with the same title that provides for the ordinances and regulations that apply within such identified impact area map; providing for the administration and enforcement of such ordinances and regulations; providing for a repealer clause; providing for a severability; providing that this ordinance shall be in full force and effect from and after its passage, approval, and publication according to law, with amendments to not include the area around the Non-Pareil property and around Highway 26 area, the property owned by Robert Olsen, the property owned by Rita Pope, the property of Clark Allen on Hepworth Lane and adding the verbiage to Section 3, "with city permission". Commissioner Jensen seconded. All voted in favor. The motion carried and said ordinance was approved and recorded as follows:

BINGHAM COUNTY ORDINANCE 2025-20

**TITLE 9 "AREAS OF IMPACT"
CHAPTER 1 "BLACKFOOT AREA OF IMPACT"**

AN ORDINANCE OF BINGHAM COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, REPEALING TITLE 9 CHAPTER 1 TITLED "BLACKFOOT AREA OF CITY IMPACT" AND ENACTING A NEW ORDINANCE WITH THE SAME TITLE THAT PROVIDES FOR THE ORDINANCES AND REGULATIONS THAT APPLY WITHIN SUCH IDENTIFIED IMPACT AREA MAP; PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF SUCH ORDINANCES AND REGULATIONS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Idaho Code Section 67-6526 requires that Cities and Counties shall adopt an Area of Impact (AOI) as identified on a map wherein the AOI within the unincorporated area of the County is identified, and by separate ordinance, provide for the application of plans and ordinances within the AOI; and

WHEREAS, the City of Blackfoot ("City") and Bingham County ("County") entered into an Impact Area Agreement with a map on September 30, 2002; and

WHEREAS, the City and the County have agreed to negotiate the Agreement and map following the requirements of Idaho Code Section 67-6526; and

WHEREAS, such negotiations considered the following factors, among others:

1. Anticipated Growth;
2. Geographic Factors;
3. Areas that can reasonably be expected to be annexed into the City in the future;
4. Areas where municipal or public sewer and water services are expected to be provided within five (5) years; and
5. Other public service District boundaries.

WHEREAS, the County has held hearings on the proposed AOI in accordance with due and regular notice procedures of Idaho Code Sections 67-6509 and 67-6526 in coordination with the City; and

WHEREAS, the governing boards for the City and the County have each agreed to the Area of City Impact with a boundary map, attached hereto and incorporated herein as Exhibit "A" for the City of Blackfoot.

NOW THEREFORE, BE IT ORDAINED BY THE BINGHAM COUNTY BOARD OF COUNTY COMMISSIONERS, AS FOLLOWS:

SECTION 1: That Title 9 Chapter 1 be repealed and replaced with the following:

9-1-1: PURPOSE

The purpose of this ordinance is to establish an Area of Impact (AOI) and map for the City of Blackfoot as required by Idaho Code Section 67-6526. This ordinance ensures coordination between Bingham County and the City of Blackfoot in planning and zoning matters while recognizing the County's jurisdiction over unincorporated areas.

9-1-2: BOUNDARIES OF THE AREA OF IMPACT

The boundaries of the Area of Impact shall be depicted on the official map identified as Exhibit A on file with the Bingham County Planning and Development Services Department and incorporated herein by reference.

9-1-3: APPLICABLE PLANS AND ORDINANCES

A. Comprehensive Plan: The Bingham County Comprehensive Plan, as amended and any subsequent amendments, shall apply within the AOI. The City of Blackfoot's Comprehensive Plan may be considered as an advisory document for planning purposes within the AOI.

B. Zoning Ordinance: The Bingham County zoning ordinances, zoning map, and subdivision ordinances, as amended and any subsequent amendments, shall apply within the AOI.

9-1-4: NOTICE

Any application for a change in the Comprehensive Plan, zoning ordinances, conditional use permits, variances, or subdivision plats shall be submitted to the City at least thirty (30) days before any proposed action, with the City having the right to review plans and make recommendations for change or provide other evidence pertinent to the application, if desired.

9-1-5: PUBLIC UTILITIES

All subdivisions and commercial or industrial developments approved in the AOI shall be required to connect to City sewer and water services if such are reasonably available, with City approval. The City's fees, rules, ordinances, and regulations pertaining to such services shall apply.

9-1-6: REVIEW AND MODIFICATION

The AOI boundary map shall be reviewed at least once every five (5) years to determine if modifications are necessary. Any modifications shall follow the procedures as required in Idaho Code Section 67-6526.

9-1-7: ENFORCEMENT

The County shall enforce the applicable ordinances, permits, and licenses in the AOI.

SECTION 2: That all other portions of Ordinance No. 84-2 not herein amended shall remain in full force and effect.

SECTION 3: This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND APPROVED on this 10th day of December, 2025.

BOARD OF COUNTY COMMISSIONERS
BINGHAM COUNTY, IDAHO




WHITNEY MANWARING, CHAIRMAN


DREW JENSEN, COMMISSIONER


ERIC JACKSON, COMMISSIONER

BINGHAM COUNTY CLERK

Attest: 
PAMELA W. ECKHARDT

PUBLIC HEARING TO AMEND THE FIRTH AREA OF CITY IMPACT, IN ACCORDANCE WITH IDAHO CODE SECTION 67-6526, BY ADOPTING AN ORDINANCE WITH A NEW MAP AREA, AND AMENDING BINGHAM COUNTY CODE TITLE 9 CHAPTER 2 TITLED FIRTH AREA OF CITY IMPACT

Present: Becky Chapman
VonDel Chapman
Dewey Chapman
Brad Chapman
Tiffany Olsen- Planning & Development Director
Via Zoom: Paul Rogers- County Legal Counsel

The Board held a Public Hearing to amend the Firth Area of City Impact, in Accordance with Idaho Code Section 67-6526, by adopting an ordinance with a new map area, and amending Bingham County Code Title 9 Chapter 2 titled Firth Area of City Impact. Chairman Manwaring welcomed all to the meeting.

Tiffany Olsen presented the Firth Area of Impact being proposed.

Chairman Manwaring opened the Public Hearing for testimony, which was received as follows:

Chairman Manwaring confirmed there was no testimony in favor, nor in neutral.

Testimony in opposition was received as follows:

VonDel Chapman (CC-9) 591 E 750 N, Firth, Idaho, stated there has not been significant growth in the Firth area for a number of years. Mr. Chapman stated that two of the properties belong to his family.

Ms. Olsen explained that there are water and sewer services that could be provided, which is why the Chapman property is proposed to be placed into the Area of Impact. Chairman Manwaring asked Mr. Chapman if both properties were farm property, to which Mr. Chapman confirmed that is correct. Chairman Manwaring asked how many acres there are, wherein it was stated there are approximately 33 acres. Chairman Manwaring stated those properties would fit within the Agricultural Protection Area criteria.

VonDel Chapman stated there is a sewer line that runs up past the cemetery to city limits but borders their property but it is a short piece of maybe 100 feet. Ms. Olsen stated that she had spoken with the Mayor and Public Works Director, who were unable to be present today, but would be in favor of the Chapman properties remaining outside of the Area of Impact. Ms. Olsen stated that she would be in favor of these properties being removed from the Area of Impact.

Brad Chapman (CC-10) 719 N 600 E., Firth, stated that he is present to voice that he is not in favor of the Chapman properties being located within the Area of Impact.

Chairman Manwaring confirmed there was no further testimony and the Public Hearing was closed to testimony. The Board of County Commissioners held deliberation, which was as follows:

Chairman Manwaring stated after testimony has been presented he is in favor of leaving the Chapman properties out of the Area of Impact.

Commissioner Jackson stated that he is in favor of leaving the Chapman properties out of the Area of Impact and give the property owners the opportunity to apply for the Agricultural Protection Area.

Decision: Commissioner Jackson moved to approve Bingham County Ordinance 2025-21, an ordinance providing that the City of Firth has affirmatively chosen not to designate or maintain an Area of Impact as required by Idaho Code Section 67-6526; providing for a repealer clause; providing for severability; providing that this ordinance shall be in full force and effect as of its passage, approval, and publication according to law. Chairman Manwaring seconded. Both voted in favor. The motion carried and said ordinance was approved and recorded as follows:

Instrument # 776557

BINGHAM COUNTY

12-29-2025 10:12:19 AM No. of Pages: 2

Recorded for : BINGHAM COUNTY COMMISSIONERS

PAMELA W. ECKHARDT

Fee: 0.00

Ex-Officio Recorder Deputy

DDA

BINGHAM COUNTY ORDINANCE NO. 2025-21

AN ORDINANCE PROVIDING THAT THE CITY OF FIRTH HAS AFFIRMATIVELY CHOSEN NOT TO DESIGNATE OR MAINTAIN AN AREA OF IMPACT (AOI) AS REQUIRED BY IDAHO CODE SECTION 67-6526; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT AS OF ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Idaho Code Section 67-6526 requires that Cities and Counties shall adopt an Area of Impact (AOI) as identified on a map wherein the AOI within the unincorporated area of the County is identified, and by separate ordinance, provide for the application of plans and ordinances within the AOI; and

WHEREAS, the City of Firth ("City") and Bingham County ("County") entered into an Impact Area Agreement with a map on February 9, 2004; and

WHEREAS, the City and the County have agreed to negotiate the Agreement and map following the requirements of Idaho Code Section 67-6526; and

WHEREAS, such negotiations considered the following factors, among others:

1. Anticipated Growth;
2. Geographic Factors;
3. Areas that can reasonably be expected to be annexed into the City in the future;
4. Areas where municipal or public sewer and water services are expected to be provided within five (5) years; and
5. Other public service District boundaries.

WHEREAS, the County has held hearings on the proposed AOI in accordance with due and regular notice procedures of Idaho Code Sections 67-6509 and 67-6526 in coordination with the City; and

NOW THEREFORE, BE IT ORDAINED BY THE BINGHAM COUNTY BOARD OF COUNTY COMMISSIONERS, AS FOLLOWS:

SECTION 1: PURPOSE

The purpose of this ordinance is to establish that the City of Firth has affirmatively chosen not to designate or maintain an Area of Impact (AOI) as required by Idaho Code Section 67-6526.

SECTION 2: SEVERABILITY

The provisions of this ordinance are severable, and in the event any provision hereof is determined to be unenforceable or invalid for any reason, such determination shall not affect the enforceability of the remaining provisions.

SECTION 3: EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND APPROVED on this 10th day of December, 2025.

BOARD OF COUNTY COMMISSIONERS
BINGHAM COUNTY, IDAHO




WHITNEY MANWARING, CHAIRMAN


DREW JENSEN, COMMISSIONER


ERIC JACKSON, COMMISSIONER

BINGHAM COUNTY CLERK

Attest: 
PAMELA W. ECKHARDT

Commissioner Jackson moved to approve Bingham County Ordinance 2025-22, an ordinance of Bingham County, a political subdivision of the State of Idaho, repealing Title 9 Chapter 2 titled "Firth Area of City Impact", providing that the City of Firth has affirmatively chosen not to designate or maintain an Area of Impact as required by Idaho Code Section 67-6526; providing that this ordinance shall be in full force and effect from and after its passage, approval, and publication according to law. Chairman Manwaring seconded. Both voted in favor. The motion carried and said ordinance was approved and recorded as follows:

BINGHAM COUNTY ORDINANCE 2025-22

**TITLE 9 "AREAS OF IMPACT"
CHAPTER 2 "FIRTH AREA OF IMPACT"**

AN ORDINANCE OF BINGHAM COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, REPEALING TITLE 9 CHAPTER 2 TITLED "FIRTH AREA OF CITY IMPACT", PROVIDING THAT THE CITY OF FIRTH HAS AFFIRMATIVELY CHOSEN NOT TO DESIGNATE OR MAINTAIN AN AREA OF IMPACT (AOI) AS REQUIRED BY IDAHO CODE SECTION 67-6526; PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Idaho Code Section 67-6526 requires that Cities and Counties shall adopt an Area of Impact (AOI) as identified on a map wherein the AOI within the unincorporated area of the County is identified, and by separate ordinance, provide for the application of plans and ordinances within the AOI; and

WHEREAS, the City of Firth ("City") and Bingham County ("County") entered into an Impact Area Agreement with a map on February 9, 2004; and

WHEREAS, the City and the County have agreed to negotiate the Agreement and map following the requirements of Idaho Code Section 67-6526; and

WHEREAS, such negotiations considered the following factors, among others:

1. Anticipated Growth;
2. Geographic Factors;
3. Areas that can reasonably be expected to be annexed into the City in the future;
4. Areas where municipal or public sewer and water services are expected to be provided within five (5) years; and
5. Other public service District boundaries.

WHEREAS, the County has held hearings on the proposed AOI in accordance with due and regular notice procedures of Idaho Code Sections 67-6509 and 67-6526 in coordination with the City; and

NOW THEREFORE, BE IT ORDAINED BY THE BINGHAM COUNTY BOARD OF COUNTY COMMISSIONERS, AS FOLLOWS:

SECTION 1: That Title 9 Chapter 2 be repealed and replaced with the following:

9-2-1: PURPOSE:

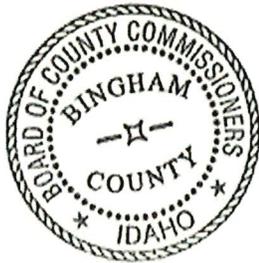
The purpose of this ordinance is to establish that the City of Firth has affirmatively chosen not to designate or maintain an Area of Impact (AOI) as required by Idaho Code Section 67-6526.

SECTION 2: That all other portions of Ordinance No. 84-2 not herein amended shall remain in full force and effect.

SECTION 3: This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND APPROVED on this 10th day of December, 2025.

BOARD OF COUNTY COMMISSIONERS
BINGHAM COUNTY, IDAHO




WHITNEY MANWARING, CHAIRMAN


DREW JENSEN, COMMISSIONER


ERIC JACKSON, COMMISSIONER

BINGHAM COUNTY CLERK

Attest: 
PAMELA W. ECKHARDT

PUBLIC HEARING TO AMEND THE SHELLEY AREA OF CITY IMPACT, IN ACCORDANCE WITH IDAHO CODE SECTION 67-6526, BY ADOPTING AN ORDINANCE WITH A NEW MAP AREA, AND AMENDING BINGHAM COUNTY CODE TITLE 9 CHAPTER 3 TITLES SHELLEY AREA OF CITY IMPACT.

Present: Elijah Vandehei
Mark Caruso
Wm. Leon Peeler
Beverly Peeler
Deanne Coletti
Not Legible
Eric Hess
Sonya Hawley
Roy Hawley
Alan Jensen
Donalene Purser
Kelly Barnes
Jason Nulph
Todd Nulph
Julia Zapadka
Ginger Reid
Paula Thurston
Richard Thurston
Nate Clark
Casey Pack
Jordon Johnson
Jeff Kelley
Richard Matheson
Cristian Ceja
Martel Smith
Collette Smith
Kristine Baker
Randy Baker
Ryan Bybee
Kenda Nielsen
John Winston
Sesha Hammond
Jerimiah Hammond
Phil Felgenhauer
Von Myler
Dan Weekes
Onnolee Frongner
Gary Frongner
Thomas George
Suyen Teran George
Steven Nielsen

The Board held a Public Hearing to amend the Shelley Area of City Impact, in accordance with Idaho Code Section 67-6526, by adopting an ordinance with a new map area, and amending Bingham County Code Title 9 Chapter 3 titles Shelley Area of City Impact.

Tiffany Olsen presented Staff Report for the record and reviewed both the current and proposed Area of Impact. Ms. Olsen stated that most of the individuals present today are already located within the Area of Impact and it is proposed for those properties to remain within the Impact Area, wherein there will be no affect to the physical nature of the land. Ms. Olsen stated there will be no increase to property taxes, property values and it will exist as it is today.

Chairman Manwaring stated the Agricultural Protection Act has been created, wherein the county has recently worked to create a Board to review applications that are submitted. Chairman Manwaring stated if a property is located within the Area of Impact and own farmland, the property owner cannot apply for the Agricultural Protection Act.

Ms. Olsen stated in looking at the boundary of the Area of Impact, the intent was to follow the letter of Idaho Code, which is to streamline the boundary to areas where there are city water and sewer services currently or anticipated to extend within the next five (5) years. There have been lots of concerned citizens calling in regards to fire flow, fire suppression, wherein emergency services are not subject to the Area of Impact regulations. Ms. Olsen stated the impact regulations state that the map should reflect areas of anticipated commercial and residential growth, take into effect geographical features such as river, highways, interstates, areas where municipal water or sewer are expected to be provided within the next five (5) years and cannot extend more than two (2) miles from the city's boundary.

Ms. Olsen stated that the current Area of Impact was created in 2006 and encompasses 3,923 acres. Ms. Olsen stated this process started with the county initiating the impact agreement negotiations. Ms. Olsen stated that she met with Mayor Pascoe, the Shelley City Council, City Clerk, City Attorney and City Public Works/Planning Director on October 20th, wherein several hours were spent looking at the map and talking about where water and sewer services currently are and where they can be extended to. Ms. Olsen stated there were quite a few concerns in regards to the requirements of if a property is located within an Impact Area, will the property owner be required to move from private septic system to the city sewer system or the Eastern Idaho Regional Sewer District system. Ms. Olsen stated those regulations are outside of the city and the county's control and if a septic system was to fail and the property owner was to repair, the property owner would go to the State Department of Public Health. They would look at the property location and the nearest connection for a sewer line. If in their determination, it was reasonably close they will not issue a septic permit. The city nor the county have any control over this decision. Ms. Olsen stated it is the same with culinary wells as that falls underneath the regulations of the State Department of Water Resources.

Ms. Olsen stated the properties that were removed were done so as they were not proposed to be developed properties or there is anticipated growth with the City of Shelley within the next five (5) years.

Ms. Olsen reviewed notification requirements for the Public Hearing being held today and confirmed those had been met.

Ms. Olsen reviewed testimony that was submitted prior to the Public Hearing.

Chairman Manwaring confirmed there were no questions for Ms. Olsen and opened the Public Hearing for testimony, which was received as follows:

There was no testimony in favor of the Application.

Testimony in neutral was received as follows:

Steven Nielsen (CC-18) 838 E 1415 N., Shelley, stated that his home is located within the Hallmark Subdivision and asked if the City of Shelley would have the power to change the requirements which were already within a plat. Mr. Nielsen stated the biggest concern is water, sewer and curb and gutter and would like clarification as to that an existing plat would not be changed but only as new properties are developed. Ms. Olsen confirmed that is correct.

Casey Pack (CC-19) 874 E.1400 N., Shelley, stated that he would like clarification on what would occur if a septic fails and who would pay for it, wherein Chairman Manwaring stated that connection to city services would occur.

Testimony in opposition was received as follows:

Mark Caroso (CC-20) 832 E., 1415 N., Shelley, stated that his home is located within the Hallmark Estates Subdivision and there are 42 properties located within the subdivision which were built between late 80's and early 2000's. Mr. Caroso stated all homes are 1.2 acres, all have well and septic and all property owners are happy with that. Mr. Caroso stated that a petition was signed and all are in opposition to being located within the Area of Impact and being a part of the city. Mr. Caroso stated that the Hallmark Estates Subdivision would like to be removed from the Area of Impact.

Seisha Hammond (CC-21) 310 N. Hanson., Shelley, asked when the current Area of Impact Map was created, wherein Ms. Olsen stated in 2006. Ms. Hammond stated she is asking that her property be removed from the Area of Impact because approximately ten (10) years ago her well went dry that is shared with her neighbor and the neighbor went to the City of Shelley to see if connection could occur, wherein they refused. Ms. Hammond stated that she worked with her neighbor can paid the expense to dig a new well so that he would have enough water on the old shared well for his single home. Ms. Hammond stated her property is up against a field that is currently outside of the Area of Impact.

Ms. Hammond read a text from a nearby neighbor by the name of Carol Wattenbarger, who stated that she has 34 acres and that she is not planning on developing and would also like to be removed from the Area of Impact.

Ms. Hammond stated that her property is close to agriculture, has chickens on her lot and more than the city would allow. Therefore, Ms. Hammond reiterated that she would like to request that her property be removed from the Area of Impact.

Elijah Vandehei (CC-22) 454 W. Oak Street., Shelley, stated that his property is currently located within the Impact Area and he would request to be removed. Mr. Vandehei stated that his well pump broke last year and he approached the City of Shelley to see if he could connect, wherein he was refused unless there was a payment of \$12,000.00, to extend the sewer pipe to his property. There is not a benefit to being located within the Impact Area and his property is not a property that can be easily subdivided because of the shape of the property. Mr. Vandehei stated he intends to apply for the Agricultural Protection Area, if he can get his property removed from the Impact Area. Ms. Olsen stated that his property is currently zoned R/A and therefore, his property would not fit within an Agricultural Zone Designation to qualify. Mr. Vandehei reiterated that he would like his property to be removed as the city has refused services, although they are located within the Impact Area. Mr. Vandehei would also like to note that the current water system for the City of Shelley is constantly failing and they cannot maintain what they currently have.

Martel Smith (CC-23) 665 E. 1250 N., Shelley, stated that he is in opposition of the Area of Impact and that his family has been in the areas since the 1930's. Mr. Smith stated that his grandfather purchased cleared land and he would like to hold onto that in its state. His property is currently in production and has been since the 30's. He understands that he is currently located within the Impact Area but that he has no plan for development and the property will continue to be farmed. Mr. Smith stated that he would like to be removed from the Impact Area.

Von Myler (CC-24) 835 E. 1430 N., Shelley, stated that he would like Hallmark Estates Subdivision to be removed from the Area of Impact. Mr. Myler stated if there are issues with his water/well, he will have to rely on the city to hookup and that is the reason that he bought the property is that he did not want to be on city water. Mr. Myler stated that ¼ acre lots are being developed around him, which will devalue his property and it will be hard to sell his home if it is known that connection to city water is required.

Thomas George (CC-25) 555 W. Oak Street, Shelley, stated that he would like to be removed from the Area of Impact. Mr. George stated that he has spent thousands of dollars to upgrade the well system and have put a lot of investments into the property. There is no benefit for him to be located within the Impact Area because it will be cost prohibitive for the City of Shelley to extend services for one home.

Eric Hess (CC-26) 1464 N. 800 E., Shelley, stated that he is speaking on behalf of Robert and BJ Hess at 1452 N. 800 E., Shelley, David & Jennifer Hargraves at 1456 N. 800 E., Shelley, Ross and Caroline Arvey at 1460 N. 800 E., Shelley, Dale and Christine Clark at 1468 N. 800 E., Orval and Judith Perry at 1478 N. 800 E., Shelley. Mr. Hess asked what specific benefits to rural property owners are there for being included within the Area of Impact, wherein Chairman Manwaring stated that there are no benefits but it is an area in which the City of Shelley looks for potential growth. Ms. Olsen stated the intent in Idaho Code is not to provide a benefit but is for planning purposes.

Mr. Hess asked why all of the properties that he previously names are justified to be inside the Impact area, if the boundary is being made smaller from the current area and not all other surrounding properties. There is nothing but homes all along the area and the highway. Mr. Hess stated that it is visible how large the properties are compared to the little 1 acre lots in other areas. Ms. Olsen stated if he recalls from the meeting with City of Shelley, there is a residence or two within the proposed area that do have city services currently and it is likely that services will extend further north within the next five (5) years, which meets code.

Orval Perry (CC-27 & CC-27A- additional exhibit) 1478 N. 800 E., Shelley, stated he is a part of an HOA, which was created because there was an irrigation ditch that connects to the Cedar Point Canal. Mr. Perry stated there is nothing within his area that is going to be developed. Mr. Perry referred to Idaho Code Section 52-222 (3)(b)(i), which states that the city shall provide a summary of the annexation to the county commissioners and to every homeowner that is within the Area of Impact. Mr. Perry asked if the county has received the summary and if he would be entitled to a copy of that document and provided the Commissioners with a document that contains several other questions. Ms. Olsen stated that she would be happy to contact Mr. Perry to answer any questions that he may have and clarify codes.

Mr. Perry stated that he wants the city to grow but it should be done in a meaningful way and the proposed Area of Impact does not make sense to him.

Onnolee Frongner (CC-28) 654 E. 1250 N., Shelley, stated that she and her husband own two parcels of property just beside the Government Canal. Ms. Frongner stated that she did not realize that their property was already located within the Area of Impact and would like to be removed. They have owned the property since 1985 and have no intentions of developing other than the 1-acre division that has already been done. Ms. Frongner stated that livestock is ran on the property and between the two parcels there is almost six (6) acres. If the property goes to anyone, it will go to one of their children who intend to continue running livestock.

Ms. Frongner stated that one of her properties is connected to the waste treatment plan because they were told that they had to and after they did connect, they have had to not use any water multiple times so that the family next to them has had to come to their home for showers and laundry due to backup problems. Ms. Frongner reiterated that she does not plan to develop the property and would like to be removed from the impact area.

Ryan Bybee (CC-29) 865 E. 1400 N., Shelley, stated that he is representing GPOD of Idaho and that he was unaware that they were currently in the Area of Impact. Mr. Bybee stated they have 74 acres with a potato processing facility. Chairman Manwaring asked if the ground is to the east of the building, wherein Mr. Bybee explained that the ground is to the east and the south of the building. Mr. Bybee is requesting that the subject property be removed from the Area of Impact as they would like to apply for the Ag Exemption as move of the 74 acres is farmed yearly for potatoes. Mr. Bybee stated that they have been on the property since 1972 and have no plans to go anywhere. Ms. Olsen informed Mr. Bybee that the property is zoned Light Manufacturing and in order to be eligible for the Ag Protection Act, the property must be zoned Agriculture. Ms. Olsen stated there are options in order for this to occur but it will take going through different processes.

Mr. Bybee stated that there is a gravel pit next to the west of the property that will not be developed and therefore, the Area of Impact is not beneficial.

Dawn Myler (CC-30) 835 E.1430 N., Shelley, stated that she would like her property to be removed from the Area of Impact. Ms. Myler stated there is property close to her home that has nematodes and is not sure how that could be developed as the land has been poisoned. Ms. Olsen stated it is the responsibility of a developer to do his/her due diligence in the property that they own and what they plan to do with the property. Ms. Olsen stated there is a request for annexation of the property and the potential for development and that is why it was with the Area of Impact.

Richard Matheson (CC-31) 667 E. 1250 N., Shelley, stated that he owns two parcels and also owns 671 E. 250 N., Shelley. Mr. Matheson stated when the City of Shelley annexed the October Cove Subdivision, they left three homes out. Mr. Matheson stated that he would like to be removed from the Impact Area for that reason and that the city left them out but there is one caveat to that as they are on city sewer. Mr. Matheson stated that he had a 4 ½ acres pasture behind his home, which he does not believe could be developed as there is no way that Road and Bridge will allow it due to road right of ways.

Beverly Peeler (CC-32) 899 E. 1400 N., Shelley, Idaho, stated that she would like her property to be removed from the Area of Impact. Ms. Peeler stated that her property is located adjacent to GPOD of Idaho. Ms. Peeler stated that she was not aware that her property was Light Commercial until a few years ago wherein they were notified that their property was not Agriculture ground as it is farmed by Searle Farms. Ms. Peeler stated that the farm has been there since the early 1930's when her husband's grandfather purchased the property and has been a family farm since.

David Hargraves (CC-33) 800 E. 1456 N., Shelley, stated that he would like the Commissioners to consider is that when adopting an Area of Impact one of the requirements is that the Area of Impact shall not exceed the areas that are likely to be annexed within the next five (5) years. Mr. Hargraves stated that he has not heard of any property owners that are in favor of the Area of Impact. One of the requirements to be annexed is that there has to be 60% of landowners and 50% of the area proposed for annexation, need to consent to be annexed. Based on what he is hearing it is not likely that the properties will be annexed as no one is in favor.

Todd Nulph (CC-34) 848 E. 1415 N., Shelley, stated that his residence is located within the Hallmark Estates Subdivision and he would like to have the subdivision removed from the Area of Impact. There will not be any more development within the subdivision. Mr. Nulph stated there is no benefit for his company Nulph Trucking to be located within the City as once the Impact Area is there, annexation will occur.

Jeffrey Coletti (CC-35) 847 E. 1425 N., Shelley, stated that he is located within Hallmark Estates Subdivision, is currently within the Area of Impact and would like to be removed from the area.

Joan Winston (CC-36) 316 N. Hansen Avenue, Shelley, stated that her home is currently with the Area of Impact area and she would like it to be removed. Several of her neighbors have testified with the same request to be removed.

Chairman Manwaring confirmed there was no further testimony and the Public Hearing was closed to any further testimony.

Ms. Olsen requested a brief recess in order to confer with the Mr. Johnson, City of Shelley Public Works Director, on the properties that have requested to be removed from the Area of Impact.

Recess: 5:31 p.m.

Reconvened at 5:38 p.m.

The Board of County Commissioners deliberated as follows:

Ms. Olsen stated based upon the testimony received today, she and Mr. Johnson have a recommended amended Area of Impact Map for the Boards consideration during deliberation.

Ms. Olsen reviewed the amendments for the record and stated beginning in the north, the proposal is to remove homes in the area with the exception of 1454 North 800 E., as that home currently has water services through the City. Next, to remove what was proposed to be included within the Area of Impact, wherein a few small parcels and property owned by the Platinum Real Estate Company, who provided testimony that at one time they had a development opportunity approach them but that has since passed and that they will continue using the property for agricultural purposes and request to be removed. Ms. Olsen stated that the Board also heard from the Peelers and GPOD of Idaho, to be removed and she would recommend the same.

Ms. Olsen referred to the west the Board heard from the individuals that live along the private road and the Wattenbarger property, wherein it is their intent to continue development as it exists. Ms. Olsen stated she took a moment to verify with City of Shelley staff that there are no water connections to those residences. Therefore, it would be her recommendation to remove the Hammond parcel, the Hess Parcel, the parcel in the middle and the Wattenbarger parcel. Ms. Olsen stated that the Carlson properties would remain within the Area of Impact.

Mr. Rogers stated the boundaries being discussed today are not final and set in stone but could be approved today by the Board in order to meet Idaho Code. Mr. Rogers stated if there are other amendments to be made, a meeting can be held at a later date to make said changes. Ms. Olsen stated the recommendation is to solidify the map as proposed and hold a work session where Hallmark Estates could be potentially removed at a later time.

The Board was in favor of proceeding today in order to meet Code and another meeting will be set next year to discuss any further amendments to the map.

Decision: Commissioner Jackson moved to approve Bingham County Ordinance 2025-23, an ordinance providing for the identification of an area within the County of Bingham as an Impact area for the City of Shelley; providing for the ordinances and regulations to apply within such identified impact area map; providing for the administration and enforcement of such ordinances and regulations; providing for a repealer clause; providing for severability; providing that this ordinance shall be in full force and effect as of its passage, approval, and publication according to law with map amendments read for the record by Ms. Olsen, which were as follows:

With the exception of the following areas which will be removed beginning in the North, to the Northwest of New Sweden Road, the parcels in the north to the south will be out of the Impact Area, with the exception of 1454 N 800 E because they are currently served with city water. Moving to the west there are properties known as the Wattenbarger property just north of the Carlsons, the Wattenbarger property is proposed to be removed as well as the Residential parcels to the west to the River and the three parcels to the north of the Wattenbarger parcel that do not have city services. Moving to the west and the south it is proposed to remove the property owned by Mr. Matheson, Mr. Fackrell, continuing to the west the approximate 70 acres owned by Mr. Smith that is agriculturally farmed and the residential developments which border the east side of the City of Shelley park property. Along the eastern border it is proposed to remove the property owned by GPOD of Idaho and the Peelers. Moving North to remove all properties that were proposed to be in the Impact Area that are currently not in the Impact Area, including the Platinum Real Estate Investment's property. With the County Commissioners engaging in a work session with County and City of Shelley staff to review other areas of insignificance. Chairman Manwaring seconded. Both voted in favor. The motion carried and said ordinance was approved as follows:

BINGHAM COUNTY ORDINANCE NO. 2025-23

AN ORDINANCE PROVIDING FOR THE IDENTIFICATION OF AN AREA WITHIN THE COUNTY OF BINGHAM AS AN IMPACT AREA FOR THE CITY OF SHELLEY; PROVIDING FOR THE ORDINANCES AND REGULATIONS TO APPLY WITHIN SUCH IDENTIFIED IMPACT AREA MAP; PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF SUCH ORDINANCES AND REGULATIONS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT AS OF ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Idaho Code Section 67-6526 requires that Cities and Counties shall adopt an Area of Impact (AOI) as identified on a map wherein the AOI within the unincorporated area of the County is identified, and by separate ordinance, provide for the application of plans and ordinances within the AOI; and

WHEREAS, the City of Shelley ("City") and Bingham County ("County") entered into an Impact Area Agreement with a map on August 11, 2006; and

WHEREAS, the City and the County have agreed to negotiate the Agreement and map following the requirements of Idaho Code Section 67-6526; and

WHEREAS, such negotiations considered the following factors, among others:

1. Anticipated Growth;
2. Geographic Factors;
3. Areas that can reasonably be expected to be annexed into the City in the future;
4. Areas where municipal or public sewer and water services are expected to be provided within five (5) years; and
5. Other public service District boundaries.

WHEREAS, the County has held hearings on the proposed AOI in accordance with due and regular notice procedures of Idaho Code Sections 67-6509 and 67-6526 in coordination with the City; and

WHEREAS, the governing boards for the City and the County have each agreed to the Area of City Impact with a boundary map, attached hereto and incorporated herein as Exhibit "A" for the City of Shelley.

NOW THEREFORE, BE IT ORDAINED BY THE BINGHAM COUNTY BOARD OF COUNTY COMMISSIONERS, AS FOLLOWS:

SECTION 1: PURPOSE

The purpose of this ordinance is to establish an Area of Impact (AOI) and map for the City of Shelley as required by Idaho Code Section 67-6526. This ordinance ensures coordination between

Bingham County and the City of Shelley in planning and zoning matters while recognizing the County's jurisdiction over unincorporated areas.

SECTION 2: BOUNDARIES OF THE AREA OF IMPACT

The boundaries of the Area of Impact shall be depicted on the official map attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 3: APPLICABLE PLANS AND ORDINANCES

A. **Comprehensive Plan:** The Bingham County Comprehensive Plan, as amended and any subsequent amendments, shall apply within the AOI. The City of Shelley's Comprehensive Plan may be considered as an advisory document for planning purposes within the AOI.

B. **Zoning Ordinance:** The Bingham County zoning ordinances, zoning map, and subdivision ordinances, as amended and any subsequent amendments, shall apply within the AOI.

C. **Adoption of the City Subdivision Development Standards:** The County and the City hereby agree that when a new subdivision (residential, commercial, or industrial) is located within one-quarter (1/4) mile from the City of Shelley's City limits, or is located greater than one-quarter (1/4) mile from the City of Shelley's City limits but is connecting to the City's infrastructure, the following City subdivision development standards and regulations shall apply:

1. Curb.
2. Gutter.
3. Five-foot (5') Portland-type concrete sidewalk.
4. City-approved street lights - maximum distance three hundred feet (300'), monthly bill to be paid by the City of Shelley.
5. Municipal sewer and water, when accessible within three hundred feet (300').
6. Reasonable stormwater drainage system.
7. Fire hydrants - maximum distance five hundred feet (500') if Municipal system is available.
8. Right-of-way for future classification of street (measured from property line to property line) as set forth:
 - a. Arterial - Eighty feet (80').
 - b. Collector - Sixty-two feet (62').
 - c. Minor/local- Sixty-two feet (62').

9. All streets to be constructed to design standards as outlined in the attached Exhibit "B" and incorporated herein by reference.

10. Stub streets as needed for orderly future development.

11. Fifteen-foot (15') utility easement along the front of each property lot.

12. All structures must meet minimum setback requirements as set forth:

a. Residential - (Single-Family Dwelling):

- i. Front property line: Thirty feet (30').
- ii. Back property line: Twenty-five feet (25').
- iii. Side property line/lot line: Ten feet (10').
- iv. Side property line/ROW: Twenty-five feet (25').
- v. Side street property line: Fifteen feet (15').

b. Residential - (Two-Family Dwelling):

- i. Front property line: Thirty feet (30').
- ii. Back property line: Twenty-five feet (25').
- iii. Side property line: Eight inches (8") for each foot of building height, but not less than seven and one-half feet (7.5') per side.
- iv. Side street property line: Fifteen feet (15').

c. Residential - (Multiple-Family Dwelling):

- i. Front property line: Twenty feet (20').
- ii. Back property line: Twenty feet (20').
- iii. Side property line: Eight inches (8") for each foot of building height, but not less than seven and one-half feet (7.5') per side.
- iv. Side street property line: Fifteen feet (15').

d. Residential – (Residential Estate):

- i. Front property line: Forty-five feet (45') minimum with sixty-five feet (65') maximum.
- ii. Back property line: Twenty-five feet (25').
- iii. Side property line/lot line: Twenty feet (20').
- iv. Side property line/ROW: Thirty-five feet (35').
- v. Side street property line: Twenty-five feet (25').

e. Heavy Commercial:

- i. Front property line: Thirty feet (30').
- ii. Back property line: Zero feet (0')/twenty feet (20') if the property abuts a residential zone.
- iii. Side property line: Zero feet (0').
- iv. Side street property line: Zero feet (0').

f. Manufacturing/Industrial:

- i. Front property line: Ten feet (10').
- ii. Side property line: Zero feet (0').
- iii. Side street property line: Zero feet (0').

g. Central Business:

- i. Front property line: Thirty feet (30').
- ii. Back property line: Ten feet (10'). Twenty feet (20') if property abuts a residential zone.
- iii. Side property line/lot line: Ten feet (10').
- iv. Side property line/ROW: Twenty-five feet (25').
- v. Side street property line: Fifteen feet (15').

13. Reasonable irrigation system using non-culinary water, i.e., pressurized irrigation system.

D. Subdivision Procedure: The County's application and approval process for the granting of subdivision approval shall apply. Nevertheless, to the extent that the subdivision review process outlined in Section 9-3-4 of this chapter differs from the County's application and approval process, the procedures detailed in Section 9-3-4 of this chapter shall apply.

SECTION 4: NOTICE

Any application for a change in the Comprehensive Plan, zoning ordinances, conditional use permits, variances, or subdivision plats shall be submitted to the City at least thirty (30) days before any proposed action, with the City having the right to review plans and make recommendations for change or provide other evidence pertinent to the application, if desired.

SECTION 5: REVIEW AND MODIFICATION

The AOI boundary map shall be reviewed at least once every five (5) years to determine if modifications are necessary. Any modifications shall follow the procedures as required in Idaho Code Section 67-6526.

SECTION 6: ENFORCEMENT

The County shall enforce the applicable ordinances, permits, and licenses in the AOI.

SECTION 7: SEVERABILITY

The provisions of this ordinance are severable, and in the event any provision hereof is determined to be unenforceable or invalid for any reason, such determination shall not affect the enforceability of the remaining provisions.

SECTION 8: EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND APPROVED on this 10th day of December, 2025.

BOARD OF COUNTY COMMISSIONERS
BINGHAM COUNTY, IDAHO



Whitney Manwaring

WHITNEY MANWARING, CHAIRMAN

Drew Jensen

DREW JENSEN, COMMISSIONER

Eric Jackson

ERIC JACKSON, COMMISSIONER

BINGHAM COUNTY CLERK

Attest: *Pamela Eckhardt*

PAMELA W. ECKHARDT

CITY OF SHELLEY AREA OF IMPACT

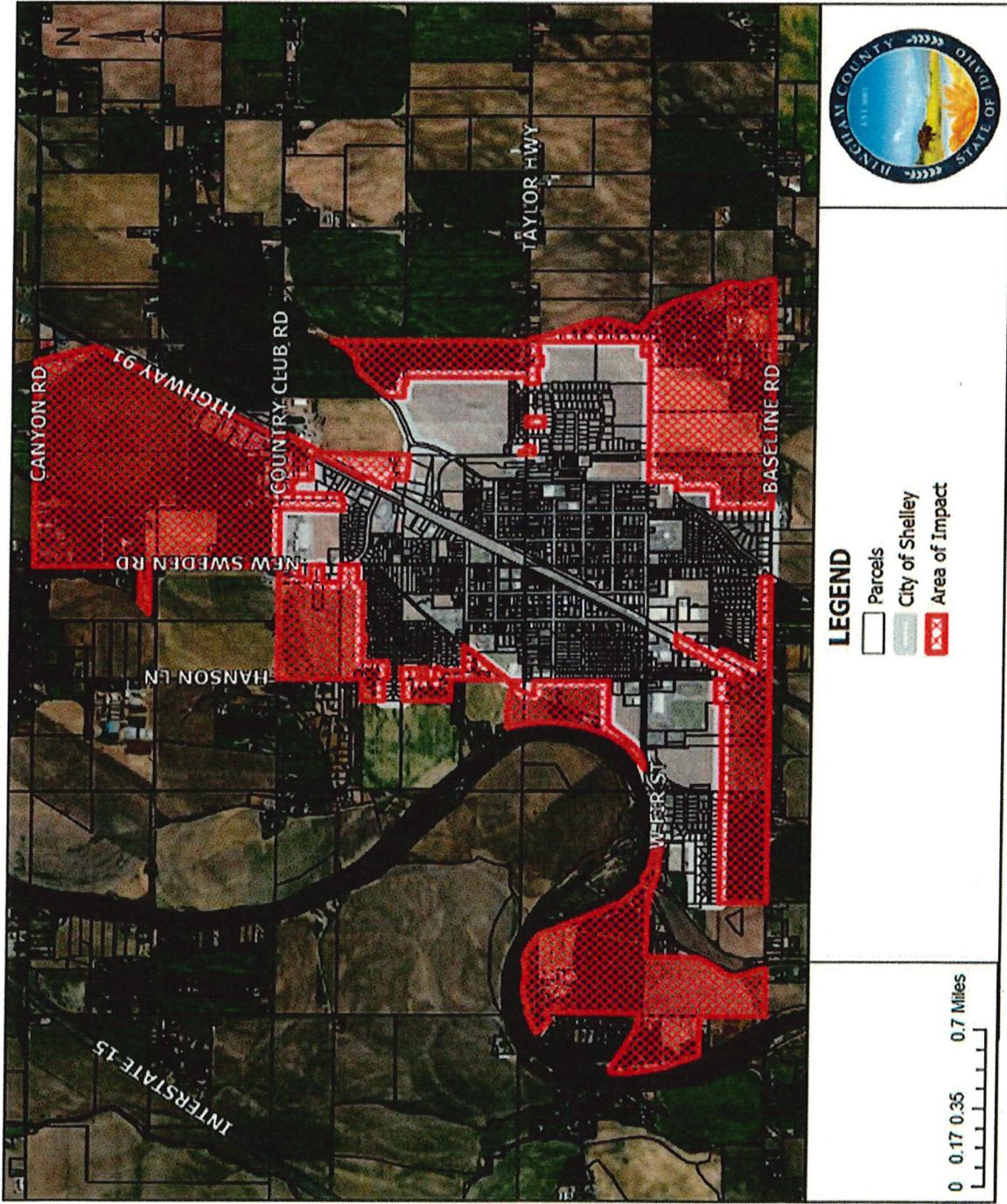


EXHIBIT "A"
AREA OF IMPACT MAP

Commissioner Jackson moved to approve Bingham County Ordinance 2025-24, an ordinance of Bingham County, a political subdivision of the State of Idaho, repealing Title 9 Chapter 3 titles "Shelley Area of City Impact" and enacting a new ordinance with the same title that provides for the ordinances and regulations that apply within such identified impact area map; providing for the administration and enforcement of such ordinances and regulations; providing for a repealer clause; providing for severability; providing that this ordinance shall be in full force and effect from and after its passage, approval and publication according to law, with map amendments read for the record by Ms. Olsen, which were as follows:

With the exception of the following areas which will be removed beginning in the North, to the Northwest of New Sweden Road, the parcels in the north to the south will be out of the Impact Area, with the exception of 1454 N 800 E because they are currently served with city water. Moving to the west there are properties known as the Wattenbarger property just north of the Carlsons, the Wattenbarger property is proposed to be removed as well as the Residential parcels to the west to the River and the three parcels to the north of the Wattenbarger parcel that do not have city services. Moving to the west and the south it is proposed to remove the property owned by Mr. Matheson, Mr. Fackrell, continuing to the west the approximate 70 acres owned by Mr. Smith that is agriculturally farmed and the residential developments which border the east side of the City of Shelley park property. Along the eastern border it is proposed to remove the property owned by GPOD of Idaho and the Peelers. Moving North to remove all properties that were proposed to be in the Impact Area that are currently not in the Impact Area, including the Platinum Real Estate Investment's property. With the County Commissioners engaging in a work session with County and City of Shelley staff to review other areas of insignificance. Chairman Manwaring seconded. Both voted in favor. The motion carried and said ordinance was approved as follows:

BINGHAM COUNTY ORDINANCE 2025-24
TITLE 9 "AREAS OF IMPACT"
CHAPTER 3 "SHELLEY AREA OF IMPACT"

AN ORDINANCE OF BINGHAM COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, REPEALING TITLE 9 CHAPTER 3 TITLED "SHELLEY AREA OF CITY IMPACT" AND ENACTING A NEW ORDINANCE WITH THE SAME TITLE THAT PROVIDES FOR THE ORDINANCES AND REGULATIONS THAT APPLY WITHIN SUCH IDENTIFIED IMPACT AREA MAP; PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF SUCH ORDINANCES AND REGULATIONS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Idaho Code Section 67-6526 requires that Cities and Counties shall adopt an Area of Impact (AOI) as identified on a map wherein the AOI within the unincorporated area of the County is identified, and by separate ordinance, provide for the application of plans and ordinances within the AOI; and

WHEREAS, the City of Shelley ("City") and Bingham County ("County") entered into an Impact Area Agreement with a map on August 11, 2006; and

WHEREAS, the City and the County have agreed to negotiate the Agreement and map following the requirements of Idaho Code Section 67-6526; and

WHEREAS, such negotiations considered the following factors, among others:

1. Anticipated Growth;
2. Geographic Factors;
3. Areas that can reasonably be expected to be annexed into the City in the future;
4. Areas where municipal or public sewer and water services are expected to be provided within five (5) years; and
5. Other public service District boundaries.

WHEREAS, the County has held hearings on the proposed AOI in accordance with due and regular notice procedures of Idaho Code Sections 67-6509 and 67-6526 in coordination with the City; and

WHEREAS, the governing boards for the City and the County have each agreed to the Area of City Impact with a boundary map, attached hereto and incorporated herein as Exhibit "A" for the City of Shelley.

NOW THEREFORE, BE IT ORDAINED BY THE BINGHAM COUNTY BOARD OF COUNTY COMMISSIONERS, AS FOLLOWS:

SECTION 1: That Title 9 Chapter 3 be repealed and replaced with the following:

9-3-1: PURPOSE

The purpose of this ordinance is to establish an Area of Impact (AOI) and map for the City of Shelley as required by Idaho Code Section 67-6526. This ordinance ensures coordination between Bingham County and the City of Shelley in planning and zoning matters while recognizing the County's jurisdiction over unincorporated areas.

9-3-2: BOUNDARIES OF THE AREA OF IMPACT

The boundaries of the Area of Impact shall be depicted on the official map identified as Exhibit "A" on file with the Bingham County Planning and Development Services Department and incorporated herein by reference.

9-3-3: APPLICABLE PLANS AND ORDINANCES

A. Comprehensive Plan: The Bingham County Comprehensive Plan, as amended and any subsequent amendments, shall apply within the AOI. The City of Shelley's Comprehensive Plan may be considered as an advisory document for planning purposes within the AOI.

B. Zoning Ordinance: The Bingham County zoning ordinances, zoning map, and subdivision ordinances, as amended and any subsequent amendments, shall apply within the AOI.

C. Adoption of the City Subdivision Development Standards: The County and the City hereby agree that when a new subdivision (residential, commercial, or industrial) is located within one-quarter (1/4) mile from the City of Shelley's City limits, or is located greater than one-quarter (1/4) mile from the City of Shelley's City limits but is connecting to the City's infrastructure, the following City subdivision development standards and regulations shall apply:

1. Curb.
2. Gutter.
3. Five-foot (5') Portland-type concrete sidewalk.
4. City-approved street lights - maximum distance three hundred feet (300'), monthly bill to be paid by the City of Shelley.
5. Municipal sewer and water, when accessible within three hundred feet (300').
6. Reasonable stormwater drainage system.
7. Fire hydrants - maximum distance five hundred feet (500') if Municipal system is available.
8. Right-of-way for future classification of street (measured from property line to property line) as set forth:
 - a. Arterial - Eighty feet (80').

- b. Collector - Sixty-two feet (62').
- c. Minor/local- Sixty-two feet (62').

9. All streets to be constructed to design standards as outlined in Exhibit "B" on file with the Bingham County Planning and Development Services Department and incorporated herein by reference.

10. Stub streets as needed for orderly future development.

11. Fifteen-foot (15') utility easement along the front of each property lot.

12. All structures must meet minimum setback requirements as set forth:

a. Residential - (Single-Family Dwelling):

- i. Front property line: Thirty feet (30').
- ii. Back property line: Twenty-five feet (25').
- iii. Side property line/lot line: Ten feet (10').
- iv. Side property line/ROW: Twenty-five feet (25').
- v. Side street property line: Fifteen feet (15').

b. Residential - (Two-Family Dwelling):

- i. Front property line: Thirty feet (30').
- ii. Back property line: Twenty-five feet (25').
- iii. Side property line: Eight inches (8") for each foot of building height, but not less than seven and one-half feet (7.5') per side.
- iv. Side street property line: Fifteen feet (15').

c. Residential - (Multiple-Family Dwelling):

- i. Front property line: Twenty feet (20').
- ii. Back property line: Twenty feet (20').
- iii. Side property line: Eight inches (8") for each foot of building height, but not less than seven and one-half feet (7.5') per side.
- iv. Side street property line: Fifteen feet (15').

d. Residential - (Residential Estate):

- i. Front property line: Forty-five feet (45') minimum with sixty-five feet (65') maximum.
- ii. Back property line: Twenty-five feet (25').

- iii. Side property line/lot line: Twenty feet (20').
 - iv. Side property line/ROW: Thirty-five feet (35').
 - v. Side street property line: Twenty-five feet (25').
- e. Heavy Commercial:
- i. Front property line: Thirty feet (30').
 - ii. Back property line: Zero feet (0')/twenty feet (20') if the property abuts a residential zone.
 - iii. Side property line: Zero feet (0').
 - iv. Side street property line: Zero feet (0').
- f. Manufacturing/Industrial:
- i. Front property line: Ten feet (10').
 - ii. Side property line: Zero feet (0').
 - iii. Side street property line: Zero feet (0').
- g. Central Business:
- i. Front property line: Thirty feet (30').
 - ii. Back property line: Ten feet (10'). Twenty feet (20') if property abuts a residential zone:
 - iii. Side property line/lot line: Ten feet (10').
 - iv. Side property line/ROW: Twenty-five feet (25')
 - v. Side street property line: Fifteen feet (15').

13. Reasonable irrigation system using non-culinary water, i.e., pressurized irrigation system.

D. Subdivision Procedure: The County's application and approval process for the granting of subdivision approval shall apply. Nevertheless, to the extent that the subdivision review process outlined in section 9-3-4 of this chapter differs from the County's application and approval process, the procedures detailed in section 9-3-4 of this chapter shall apply.

9-3-4: NOTICE

Any application for a change in the Comprehensive Plan, zoning ordinances, conditional use permits, variances, or subdivision plats shall be submitted to the City at least thirty (30) days before any proposed action, with the City having the right to review plans and make recommendations for change or provide other evidence pertinent to the application, if desired.

9-3-5: REVIEW AND MODIFICATION

The AOI boundary map shall be reviewed at least once every five (5) years to determine if modifications are necessary. Any modifications shall follow the procedures as required in Idaho Code Section 67-6526.

9-3-6: ENFORCEMENT

The County shall enforce the applicable ordinances, permits, and licenses in the AOI.

SECTION 2: That all other portions of Ordinance No. 84-2 not herein amended shall remain in full force and effect.

SECTION 3: This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND APPROVED on this 10th day of December, 2025.

BOARD OF COUNTY COMMISSIONERS
BINGHAM COUNTY, IDAHO




WHITNEY MANWARING, CHAIRMAN


DREW JENSEN, COMMISSIONER


ERIC JACKSON, COMMISSIONER

BINGHAM COUNTY CLERK

Attest: 
PAMELA W. ECKHARDT

APPROVAL OF REASON & DECISION FOR KOLBET ACRES SUBDIVISION

The Board met to approve and sign the Reason & Decision document for Kolbet Acres Subdivision. Chairman Manwaring confirmed that if there were any changes to be made, those has been completed. Commissioner Jackson and Commissioner Jensen confirmed there were no changes to be made.

Decision: Commissioner Jensen moved to approve and sign the Reason & Decision document for Kolbet Acres Subdivision. Commissioner Jackson seconded. All voted in favor. The motion carried.

APPROVAL OF REASON & DECISION FOR COMPREHENSIVE PLAN MAP AND ZONING DISTRICT DESIGNATION FOR ATOMIC CITY

The Board met to approve and sign the Reason & Decision document for Comprehensive Plan Map and Zoning District designation for Atomic City. Chairman Manwaring confirmed that if there were any changes to be made, those has been completed. Commissioner Jackson and Commissioner Jensen confirmed there were no changes to be made.

Decision: Commissioner Jackson moved to approve and sign the Reason & Decision for Comprehensive Plan Map and Zoning District designation for Atomic City. Commissioner Jensen seconded. All voted in favor. The motion carried.

APPROVAL OF REASON & DECISION FOR CARMAN ACRES SUBDIVISION

The Board met to approve and sign the Reason & Decision document for Carman Acres Subdivision. Chairman Manwaring confirmed that if there were any changes to be made, those has been completed. Commissioner Jackson and Commissioner Jensen confirmed there were no changes to be made.

Decision: Commissioner Jensen moved to approve and sign the Reason & Decision document for Carman Acres Subdivision. Commissioner Jackson seconded. All voted in favor. The motion carried.

APPROVAL OF TAX INQUIRY DOCUMENTS SUBMITTED BY THE COUNTY ASSESSOR

The Board met to approve and sign Tax Inquiry documents, which were as follows:

RP0066607	Year 2025	Homeowner signed up for Homeowners Exemption in 2025
RP0229912	Year 2025	Parcel was supposed to be voided
RP0452200	Year 2025	Homeowner signed up for Homeowners Exemption in 2025

Decision: Commissioner Jackson moved to approve and sign Tax Inquiry documents submitted by the County Assessor. Commissioner Jensen seconded. All voted in favor. The motion carried.

EXECUTIVE SESSION

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(f), to communicate with legal counsel regarding pending/imminently likely litigation. Commissioner Jackson moved to go into Executive Session pursuant to Idaho Code §74-206(1)(f), to communicate with legal counsel regarding pending/imminently likely litigation. Commissioner Jensen seconded. Both in favor. The Board moved into Executive Session at 8:32 a.m. Commissioner Jackson moved to go out of Executive Session. Commissioner Jensen seconded. The Board moved out of Executive Session at 8:56 p.m.

Decision: No decision to be made at this time.

THE MOTION PASSED TO DISMISS UNTIL WEDNESDAY DECEMBER 17 2025


PAMELA W. ECKHARDT, CLERK
Lindsey Gluch- Commission Clerk


WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Wednesday, December 17, 2025
County of Bingham)

THE BOARD OF BINGHAM COUNTY COMMISSIONERS MET IN REGULAR SESSION. The following matters were considered:

PRESENT: Chairman Manwaring
 Commissioner Jackson
 Commissioner Jensen
 Lindsey Gluch- Commission Clerk

Commissioner Jensen moved to appoint Commissioner Jackson as Temporary Chairman due to the absence of Commissioner Manwaring. Commissioner Jackson seconded. Both voted in favor. The motion carried.

CASH WARRANTS

Cash Warrants were approved in the amount of \$75,000.00

Decision: Commissioner Jensen moved to approve and sign Cash Warrants, Claims, Administrative Documents and Personnel Action Forms. Commissioner Jackson seconded. All voted in favor. The motion carried.

APPROVAL OF REASON & DECISION FOR THE DONALD & LORETTE ANDERSON ZONING AMENDMENT FROM R/A TO A

The Board met to approve and sign the Reason & Decision document for the Donald and Lorette Anderson Zoning Amendment from R/A to A. Chairman Manwaring confirmed if there were any changes to be made, those has been completed. Commissioner Jackson and Commissioner Jensen confirmed there were no changes to be made.

Decision: Commissioner Jensen moved to approve the Reason & Decision document for the Donald & Lorette Anderson Zoning Amendment from R/A to A. Commissioner Jackson seconded. All voted in favor. The motion carried.

REVIEW & APPROVE AMERICAN 250 RESOLUTION AND GRANT APPLICATION-REQUESTED BY CLERK ECKHARDT

Present: Pamela Eckhardt- County Clerk

The Board met to review and approve the American 250 Resolution and Grant Application requested by Pamela Eckhardt.

Decision: Commissioner Jensen moved to approve the grant application and Bingham County Resolution 2025-52, a resolution supporting the America 250 in Idaho Commemoration and the United States Semiquincentennial. Commissioner Jackson seconded. Both voted in favor. The motion carried and said resolution was adopted as follows:



RESOLUTION NO. 2025-52

A RESOLUTION OF BINGHAM COUNTY, IDAHO

A Resolution Supporting the America 250 In Idaho Commemoration and the United States Semiquincentennial.

WHEREAS, the year 2026 marks the 250th anniversary of the signing of the Declaration of Independence; and

WHEREAS, Governor Brad Little proclaimed the establishment of the America250 in Idaho Commemoration in July 2024 to plan, encourage, develop, and coordinate the commemoration of this momentous occasion, and honor and recognize the contributions of Idaho's residents to the nation's past, present, and future; and

WHEREAS, the Idaho State Historical Society, under the leadership of Director Janet L. Gallimore, with the leadership of key state agencies, established the America250 in Idaho Task Force to execute a robust and impactful commemoration and support the role that history plays in public discourse, community engagement, education, tourism, and scholarship in Idaho; and

WHEREAS, America250 in Idaho Task Force aims to engage Idahoans across all 44 counties and 201 municipalities through legacy projects between 2024 and 2026; and

WHEREAS, it is fitting and desirable that we commemorate the birth of the nation with the support of partners and stakeholders across the Gem State, America250 in Idaho will advance the ideals of the American Revolution - equality, liberty, and justice – through meaningful community engagement and recognize, appreciate, and commemorate Idaho's journey in America's legacy; and

WHEREAS, Bingham County, founded in 1885 has contributed proudly and significantly to the history of our nation and our state for more than 140 years; and

WHEREAS, the County Commission of Bingham County thus encourage its citizens to create and participate in programs that will commemorate the history of our city, our state, and our nation; and

WHEREAS, preserving, studying, and enjoying state history strengthens communities and builds bonds between Idahoans as we work together toward the goals of justice and equality embedded in the United States Constitution.

NOW, THEREFORE, BE IT RESOLVED, that Bingham County, Idaho hereby endorses the America250 in Idaho Commemoration and its vision to celebrate American history and the invaluable contributions of Idahoans to our region, nation, and world.



IT IS FURTHER RESOLVED that:

1. The Bingham County Board of County Commissioners commemorates the 250th anniversary of the establishment of the United States as an independent nation.
2. The Bingham County Board of County Commissioners support the various organized committees to oversee local projects and efforts to support this commemoration that will promote the maximum involvement of our residents, neighborhoods, businesses, schools, civic organizations, and institutions in the commemorations.
3. The Bingham County Board of County Commissioners further urges all its residents to reflect upon the significance of this event and the role that our State and its people have played in the history and development of our nation and to participate in this important commemoration, endeavoring to include the stories of all those whose lives are part of the history of what we now know as Idaho, and understanding that the revolution continues today as we uphold the revolutionary ideals articulated in our founding documents.
4. That a copy of this resolution be sent to the America250 in Idaho Task Force.

ADOPTED December 17, 2025

BINGHAM COUNTY COMMISSION



Whitney Manwaring
Whitney Manwaring, Chairman

Eric Jackson
Eric Jackson, Commissioner

Drew Jensen
Drew Jensen

Attest:
Pamela Eckhardt

Pamela Eckhardt
Bingham County Clerk

REVIEW & APPROVAL OF FISCAL 2025 VESSEL REPORT

Present: Pamela Eckhardt- County Clerk
Laura Lora- Chief Deputy Clerk

The Board met to review and approve the Fiscal 2025 Vessel Report, which is done via resolution.

Clerk Eckhardt explained this is completed yearly for the funding received from the Idaho Department of Parks and Recreation, which all goes to Waterways.

Decision: Commissioner Jensen moved to approve Bingham County Resolution 2025-53, a resolution approving the specific purpose expenditure from the Bingham County Vessel Fund from Fiscal Year 2025. Commissioner Jackson seconded. Both voted in favor. The motion carried and said resolution was adopted as follows:

BINGHAM COUNTY
RESOLUTION NO. 2025-53

A RESOLUTION APPROVING THE SPECIFIC PURPOSE EXPENDITURE FROM
THE BINGHAM COUNTY VESSEL FUND FROM FY 2025

WHEREAS, Bingham County Vessel Fund has a surplus of \$37,810 from monies provided from the Idaho Department of Parks and Recreation.

NOW, THEREFORE, it is hereby resolved:

That the specific purpose expenditure of \$37,810 will go towards the purchase of new dive equipment, dry suits, air tanks, buoyancy control devices, along with essential safety monitoring tools.

DATED December 17, 2025

BINGHAM COUNTY COMMISSION

Whitney Manwaring, Chairman



Eric Jackson, Commissioner



Drew Jensen, Commissioner



ATTEST:



Pamela W. Eckhardt
Bingham County Clerk

PUBLIC WORKS

Present: Troy Lenhart- Road & Bridge Supervisor
Dusty Whited- Public Works Director
Paul Rogers- County Legal Counsel
Pamela Eckhardt- County Clerk
Laura Lora- Chief Deputy Clerk

The Board met with Dusty Whited to discuss updates within the Public Works department and other agenda items.

Discussion was held in regards to the Annual Road and Street Report, wherein Clerk Eckhardt reviewed the balances within said report.

The Board had no concerns.

Decision: Commissioner Jensen moved to approve and sign the Annual Road and Street Report for 2025. Commissioner Jackson seconded. Both voted in favor. The motion carried.

Discussion was held in regards to the VSS International 2026 Pricing Adjustment- Type III Microsurfacing acceptance letter, wherein Mr. Whited explained this would be to accept the proposal to increase 3.0% each year without going to bid.

The Board had no concerns.

Decision: Commissioner Jensen moved to approve and sign the VSS International 2026 Contract Renewal as presented by Mr. Whited. Commissioner Jackson seconded. Both voted in favor. The motion carried.

PRIOR APPROVAL FOR PURCHASE- SHERIFFS OFFICE

Present: Chad Kent- Sheriffs Office
Devin Trujillo- Sheriffs Office

The Board met to discuss the submitted prior approval for purchase of dive equipment. Said purchase is in the amount of \$23,630.84 and is to be paid from the Waterways Capital Outlay Fund: 38-00-899-00. Sgt. Kent explained that this purchase is to achieve the national minimum standards.

Decision: Commissioner Jackson moved to approve the prior approval for purchase of dive equipment. Said purchase is in the amount of \$23,630.84 and is to be paid from the Waterways Capital Outlay Fund: 38-00-899-00. Commissioner Jensen seconded. Both voted in favor. The motion carried.

EXECUTIVE SESSION

The Board met to hold an Executive Session pursuant to Idaho Code §74-206(1)(d), to consider records that are exempt from public disclosure. Commissioner Jackson moved to go into Executive Session pursuant to Idaho Code §74-206(1)(d), to consider records that are exempt from public disclosure. Commissioner Jensen seconded. Both in favor. The Board moved into Executive Session at 10:05 a.m. Commissioner Jensen moved to go out of Executive Session. Commissioner Jackson seconded. The Board moved out of Executive Session at 10:09 a.m.

Decision: Commissioner Jackson moved to approve Indigent Cremation Case Number 2025-17 as presented. Commissioner Jensen seconded. Both voted in favor. The motion carried.

Chairman Manwaring present for the following meetings.

PUBLIC HEARING TO RECEIVE THE PLANNING & ZONING COMMISSION'S RECOMMENDATION TO APPROVE:

- 1) ROCKWELL HOMES, INC'S ZONING DISTRICT AMENDMENT FROM "A" AGRICULTURE TO "R" RESIDENTIAL;
- 2) COPPER MEADOWS II SUBDIVISION, CONSISTING OF 112-LOT RESIDENTIAL SUBDIVISION;

LOCATED NORTH OF 1429 N. 800 E., SHELLEY, IDAHO ON PARCEL NUMBERS RP0459016 & RP0459012 CONSISTING OF 112-LOT RESIDENTIAL SUBDIVISION

Present: Tiffany Olsen- Planning & Development Director
Paul Rogers- County Legal Counsel
Nate Clark- Rockwell Homes, Inc

The Board held a Public Hearing to receive the Planning & Zoning Commission's recommendation to approve: 1) the Zoning District Amendment from "A" Agriculture to "R/A" Residential/Agriculture for approx. 45.29 acres of land located north of 1429 N 800 E, Shelley, Idaho and south of Copper Meadows Subdivision and 3) Copper Meadows II Subdivision, a 112-Lot residential subdivision (with 5 non-buildable lots for open space), in a four (4) phase development, with an average lot size of 0.283 acres, in accordance with Bingham County Code, Title 10, Chapter 14 Subdivision Regulations.

Chairman Manwaring recused himself due to Neil Humphreys, Representative for Rockwell Homes, Inc, being his nephew.

Decision: Chairman Manwaring moved to appoint Commissioner Jackson as Acting Chairman. Commissioner Jensen seconded. All voted in favor. The motion carried.

Prior to the Public Hearing, the Board of County Commissioners reviewed the application and materials submitted by the Applicant, Rockwell Homes, Inc, along with the Staff Report and all supplemental maps, notices and other materials.

As to procedural items, the Board finds the following:

1. In accordance with Bingham County Code 10-3-6, Notice of the Boards Public Hearing was provided as follows:
 - a. Sent to Government Agencies on November 19, 2025 (CC-3 List of Government Agencies and Notice)
 - b. Published in the Idaho State Journal and Post Register on November 19, 2025 (CC-2: Affidavit of Publication)
 - c. Sent to property owners within 300' of this property on November 19, 2025. (CC-4 & Property Owners Mailing List and Notice)
 - d. Site was posted on November 17, 2025 (CC-5 Affidavit of Posting) and photographs of the site were taken on August 22, 2025 and September 18, 2025.

2. The Planning & Development Department received additional testimony prior to the Board's Public Hearing, which included:

(CC-6) Jeffrey and Deanne Coletti, of 847 E. 1425 N, Shelley, Idaho, submitted testimony in opposition, citing concerns with property values, impact on public utilities, and the loss of life they enjoy in their neighborhood.

(CC-7) The City of Shelley submitted testimony in a neutral position, advising that the property subject to the Zoning Amendment and Subdivision is being proposed to be annexed into the

city limits with a Public Hearing set for December 17, 2025, before the Planning & Zoning Commission and on December 30, 2025, before the City Council.

After presentation of the Staff Report and confirmation that there were no additional questions for county staff, the Public Hearing was opened and testimony was presented at the Public Hearing, which was as follows:

(CC-8) Nate Clark, Rockwell Homes, Inc, Applicant, stated the subject property is a good piece of property for single family home dwellings to sell at an affordable price as there is a huge demand in the area. Mr. Clark stated that one adjustment that was made over the last several weeks is that the City of Shelley is pursuing a citywide booster pump to increase pressure for the entire city and therefore, they will no longer be doing a personal booster pump for the development. Mr. Clark stated the citywide booster pump is to be constructed and in the works by Fall of 2026.

Commissioner Jackson asked Mr. Clark if the City of Shelley is requesting assistance from Rockwell Homes, Inc., for cost, wherein Mr. Clark stated that was correct and that the city is requesting assistance from Rockwell Homes, Inc., and there will be a request for assistance from any future developments via connection within a specific geographical area will have a connection fee, along with each individual meter bill of the homeowner in the geographical area, there will be an additional fee per month to assist in covering cost. Mr. Clark stated that the City of Shelley received funding to pay for the booster pump and a 1% loan over approximately 20-30 years to pay that back.

Commissioner Jensen asked Mr. Clark if the piping size is accurate enough due to the pumping station being so far away, that there will have enough pressure to get water to the end of the line. Mr. Clark stated yes and that with the geographical area of the city, all lines are sized correctly but there will need to be pressure reducing valves in some areas as the pressure will be too high.

Commissioner Jackson opened the Public Hearing for testimony in favor, neutral nor in opposition, to which there was none and the Public Hearing was closed.

REASON

The Board held deliberation and based on the entire record, the Board finds the following:

1. The Application met the requirements in Bingham County Code Section 10-15-3, as the Application was submitted by the Property Owner and included all required contents of a complete Application; and
2. The request to modify the zoning of parcels from "A" Agriculture to "R" Residential for future residential subdivision development; and
3. The purpose of the "R" Residential zone is defined in Bingham County Code Section 10-4-2(D). The Board determined that the request complies with the purpose of this zoning district and will have:
 - a. Close proximity to existing townsites of which are contiguous to another R or R/A Zone;
 - b. Lot size compatible with existing lot sizes in the immediate vicinity
 - c. Accessibility of municipal services or the possibility of extension of services in the foreseeable future
 - d. Compatibility with existing uses in the immediate vicinity
 - e. Protection from incompatible uses
 - f. Adequate service by roadways

4. The Bingham County Comprehensive Plan Map identifies the subject parcels as Residential/Agriculture which supports the Zoning Amendment request; and
5. The Application met notice requirements of Idaho Code Title 67, Chapter 65, and Bingham County Code Section 10-3-6; and

Commissioner Jackson nor Commissioner Jensen had any concerns in regards to this Application.

DECISION REGARDING ZONING AMENDMENT

Commissioner Jensen moved to approve the Zoning Amendment from "A" Agriculture to "R" Residential on approx. 45.29 assessed acres of land, located north of 1429 N 800 E, Shelley, ID as proposed by Rockwell Homes, Inc., as presented. Commissioner Jackson seconded. Both voted in favor. The motion carried.

Upon approval of the Zoning Amendment from Agriculture to Residential, the Board of County Commissioners heard the request to develop a 112-Lot Residential subdivision to be known as Copper Meadows II Subdivision.

After presentation of the Staff Report and confirmation that there were no questions for county staff, the Applicant provided testimony as follows:

(CC-8) Nate Clark, Rockwell Homes, Inc, stated the proposed subdivision is 112-lots, single family dwellings with 2.8 acres of open space, which is a percentage of the requirement of the county, which is .25 acres per 10 lots. This incorporates the storm pond and walking path as required by the Area of Impact Agreement.

Mr. Clark stated there is a current storm pond, which will be moved, doing the required compaction and building homes on top of that and all storm water will be pulled from Division 1 of Copper Meadows and Division 2 of Copper Meadows will all be going to the large storm pond. Commissioner Jensen asked if the storm pond will be piped, wherein Mr. Clark stated it will all be corrugated piping under the roads.

Mr. Clark stated that Rockwell Homes has hired a Traffic Engineer to conduct the Traffic Impact Study and every concern that has been brought up by the Board will be within that study. If there are concerns, he would encourage that the Engineer that conducted the study provide the Board with a presentation on the information found. Mr. Clark stated that he has been in contact with the state and there were no concerns. The only requirement that the study showed was on Ironwood Street and that there be three lanes wide with turn lanes.

Commissioner Jackson opened the Public Hearing for testimony in favor, neutral nor in opposition, to which there was none and the Public Hearing was closed.

The Board reviewed and found the following:

- 1) The Application met the requirements of Bingham County Code Title 10, Chapter 14, *Subdivision Regulations*; and
- 2) The Application will meet the requirements of Bingham County Code Section 10-4-2(D) which states that the purpose of "R" zone is preserve desirable residential neighborhood characteristics and to prevent overcrowding of the land while encouraging the development of areas which are best suited for residential purposes that have, should the Board of County Commissioners approve the Applicant's requested Zoning Amendment to this district; and

- 3) The Application met the requirements of Bingham County Code Section 10-6-6(B)(3) as the proposed lots meet the ¼-acre minimum allowed for in a Residential Zoning District with connection to the City of Shelley's water system and the Eastern Idaho Regional Sewer District's sewer line; and
- 4) Existing residential subdivision developments are located to the north (Copper Meadows Subdivision) and the east (Hallmark Estates Division 1-4), with several other parcels used for single-family residential purposes not located within a subdivision. Additionally, the Board found that the proposed average lot size of 0.283 is commensurate with the immediate area, as the Copper Meadows Subdivision, platted in 2017, consists of 48 lots of approx. ¼ acre size; and
- 5) Adequate access will be provided from 800 E (New Sweden Road) and four accesses from 1455 N (Redwood Street) according to the Bingham County Public Works Director and a Traffic Impact Study completed by Noesis Engineering Services, PC; and
- 6) Five (5) non-buildable lots are proposed to be designated as open space and consist of a stormwater retention pond and multi-use pathway along New Sweden Road frontage, which meets the acreage requirement of Bingham County Code Section 10-14-4(A)(19); and
- 7) The lots will be served with a new pressurized irrigation system, and the Snake River Valley Irrigation District has approved the preliminary plan for placement of the pump; and
- 8) With the proposed subdivision being located in an Area of Impact, the Application meets the Comprehensive Plan objective of encouraging residential development where public infrastructure, services, and facilities are or will be available; and
- 9) Because the proposed subdivision is located within ¼ mile of the City of Shelley's municipal boundaries, infrastructure development will follow the City of Shelley standards, which consist of wider roads, curb, gutter, sidewalks, stormwater management, lighting, and modified setbacks, as required by the County/City's Area of City Impact Agreement; and
- 10) The proposed subdivision is considered to be consistent with the Bingham County Comprehensive Plan, as the area is designated as Residential/Agricultural, which supports the Residential Zoning District; and
- 11) The Public Hearing met the notice requirements of Idaho Code Title 67, Chapter 65, and Bingham County Code Section 10-3-6.

Discussion was held in regards to the speed limit being continuously the same from the jerky plant until the school due to the safety of children that may walk along New Sweden Road, wherein Ms. Olsen stated as speed limit is not particular to the subdivision plat and that this is property that is being developed, she would suggest that the speed limit be a separate conversation with Public Works. Ms. Olsen stated that she was aware of a statement made by Dusty Whited, Bingham County Public Works Director, that he planned to place traffic counters in the subject area but that she was unaware if that had occurred.

Discussion was held in regards there being four entrances onto Redwood and Commissioner Jackson asked Ms. Olsen if that was standard. Ms. Olsen stated two points of access in ingress and egress for 29 lots or more to meet fire code and from a planning perspective having two approaches to serve 112 lots, could create congestion. Ms. Olsen stated these are questions that should be asked to the Public Works Director, who was not in attendance.

A brief discussion was held in regards to the five (5) non-buildable lots within the proposed subdivision, wherein Ms. Olsen explained that code defines a non-buildable lot and that they are dedicated as open space but the county does not have any regulations as to what those open space areas feature.

Commissioner Jensen stated that he had concerns in regards to water pressure but that had been addressed.

DECISION REGARDING COPPER MEADOWS II SUBDIVISION

Commissioner Jensen moved to approve a 112-lot residential subdivision (with 5 non-buildable lots for open space), to be known as Copper Meadows II Subdivision, in a four (4) phase development, on approximately 45.296 acres of land, located north of 1429 N 800 E, Shelley, Idaho and South of Copper Meadows Subdivision as proposed by property owners Rockwell Homes, Inc. Commissioner Jackson seconded. Both voted in favor. The motion carried.

Request for Reconsideration/Judicial Review: Upon denial or approval of a zone change, with adverse conditions, pursuant to Idaho Code Section 67-6535(2)(b), the Applicant or affected person seeking Judicial Review of compliance with the provisions of this section must first seek reconsideration of the final decision within fourteen (14) days. Such written request must identify specific deficiencies in the decision for which reconsideration is sought.

Regulatory Takings: Additionally, the Applicant may request a regulatory takings analysis as per Idaho Code Section 67-8003. An affected person aggrieved by a final decision concerning matters identified in Section 67-6521(1)(a), Idaho Code may within twenty-eight (28) days after all remedies have been exhausted under local ordinance, seek Judicial Review as provided by Chapter 52, Title 67, Idaho Code.

Commissioner Jensen not present for the following meetings.

MEETING TO SIGN THE HENDRICKS HOLLOW FINAL PLAT

Present: Chris Street- HLE
Tiffany Olsen- Planning & Development Director
Paul Rogers- County Legal Counsel

The Board met to approve and sign the Hendricks Hollow Final Plat.

Decision: Commissioner Jackson moved to approve and sign the Hendricks Hollow Final Plat. Chairman Manwaring seconded. Both voted in favor. The motion carried.

MEETING TO RECEIVE THE PLANNING & ZONING COMMISSION'S RECOMMENDATION TO APPROVE THE ALASKA ACRES SUBDIVISION, A 4-LOT SUBDIVISION

Present: Tiffany Olsen- Planning & Development Director
Jacob Martin- Bingham County Building Official

The Board held a meeting to receive the Planning & Zoning Commission's recommendation to approve the Alaska Acres Subdivision, a 4-Lot Subdivision. Chairman Manwaring welcomed all to the meeting and introductions were held.

Commissioner Jensen was not present.

Prior to the Meeting, the Board of County Commissioners, reviewed the Application and materials submitted by the Applicants, Michael Bailey and Jolynn John, along with the Staff Report and all supplemental maps, notices and other materials.

REASON

After presentation of the Staff Report, the Board of County Commissioners held discussion and deliberation, wherein they found the following:

1. The Application met the requirements of Bingham County Code Title 10, Chapter 14, *Subdivision Regulations*; and
2. The Application met the requirements of Bingham County Code Section 10-4-2(B), which states that the purpose of the "A" Zone is to preserve and protect the decreasing supply of agricultural land. The Board found the area surrounding the proposed subdivision is zoned Agricultural, consists of pasture ground and residential parcels to the north and west, residential parcels to the east, and farm ground to the south, both of which are consistent with the features of the proposed subdivision; and
3. The Application met the requirements of Bingham County Code Sections 10-6-6(B)(4) as the proposed lots meet the 5-acre minimum allowed for in an Agriculture Zoning District with individual culinary wells, septic systems, and drainfields on each lot; and
4. Adequate access to Lots 1 and 2 will be from Melba Way, via an existing easement/private road, and Lots 3 and 4 will be accessed from a common shared access from West River Road; and
5. Lots are located within the New Sweden Irrigation District and will be served by a flood irrigation system. Any modifications to the existing irrigation delivery will be subject to the downstream water users and/or the New Sweden Irrigation District's prior written approval as required in Idaho Code Section 42-1207; and
6. The proposed subdivision is considered to be consistent with the Bingham County Comprehensive Plan, as the area is designated as Agricultural, which supports the Agriculture Zoning District; and

Chairman Manwaring asked if there was an existing ditch that will be used or if there was, that it would be moved with construction, to which Ms. Olsen stated there are two (2) ditches and those will remain on the property in their current status. Ms. Olsen stated in the future if the landowners decide that they would like to install a pressurized system, they would be required to work with the pertinent water district.

DECISION

Commissioner Jackson moved to approve the Alaska Acres Subdivision, a 4-Lot residential subdivision located at approx. 978 N 575 E, Firth, Idaho, on approx. 21.92 acres as proposed by property owners Michael Bailey and Jolynn John. Chairman Manwaring seconded.

Commissioner Jackson amended the motion to state that the Board of County Commissioners would be upholding the decision of the Planning & Zoning Commission to approve. Chairman Manwaring seconded the amendment. Both voted in favor. The motion carried.

Request for Reconsideration/Judicial Review: Upon denial or approval of a zone change, with adverse conditions, pursuant to Idaho Code Section 67-6535(2)(b), the Applicant or affected person seeking Judicial Review of compliance with the provisions of this section must first seek reconsideration of the final decision within fourteen (14) days. Such written request must identify specific deficiencies in the decision for which reconsideration is sought.

Regulatory Takings: Additionally, the Applicant may request a regulatory takings analysis as per Idaho Code Section 67-8003. An affected person aggrieved by a final decision concerning matters identified in Section 67-6521(1)(a), Idaho Code may within twenty-eight (28) days after all remedies have been exhausted under local ordinance, seek Judicial Review as provided by Chapter 52, Title 67, Idaho Code.

PRESENTATION BY RENEWABLE NORTHWEST REGARDING BATTERY STORAGE OPERATIONS AND SAFETY

Present: Tiffany Olsen- Planning & Development Director
Jacob Martin- Bingham County Building Official

Presentation was provided by individuals from Renewable Northwest regarding Battery Storage Operations and Safety.

THE MOTION PASSED TO DISMISS UNTIL THURSDAY DECEMBER 18 2025

PAMELA W. ECKHARDT, CLERK
Lindsey Gluch- Commission Clerk-----

WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Thursday, December 18, 2025
County of Bingham)

THE BOARD OF BINGHAM COUNTY COMMISSIONERS MET IN REGULAR SESSION. The following matters were considered:

PRESENT: Chairman Manwaring
 Commissioner Jackson
 Commissioner Jensen
 Lindsey Gluch- Commission Clerk

APPEAL OF THE PLANNING & ZONING COMMISSION'S DECISION REGARDING THE PINGREE I & II TRUST CONDITIONAL USE PERMIT FOR AN EXPANSION OF AN EXISTING CONFINED ANIMAL FEEDING OPERATION, FILED BY: MELANIE IPSEN, RUBY K BALLS, JEFFREY BALLS, CHERYL OLSEN, STETON JOHNSON, TAIJO JOHNSON, PRISCILLA HOSKIN, VERNON HOSKIN, MARY HANSEN, EARL HUFF JR., KAREN REED, RANDY REED AND DRUE KOFED.

Present: Priscilla Hoskin – Appellant
 Vernon Hoskin – Appellant
 Brady Manning
 Lindsey Manning
 John Hepton- Applicant
 Cheryl Olsen- Appellant
 Edwin Olsen
 Melanie Ipsen- Appellant
 Randy Reed- Appellant
 Karen Reed- Appellant
 Mary Ann Hansen- Appellant
 Bobby Hansen- Appellant

The Board held a meeting meeting to hear Appeals filed by Melanie Ipsen, Ruby K. Balls, Jeffrey J. Balls, Cheryl W. Olsen, Steton Johnson, Taio Johnson, Priscilla Hoskin, Vernon A. Hoskin, Mary Ann Jansen, Earl L. Huff Jr., Karen Reed, Randy Reed and Drue H. Kofed, in regards to the Conditional Use Permit for an expansion of an existing Confined Animal Feeding Operation for Pingree I Trust and Pingree II Trust.

Board of County Commissioners Meeting Date: December 18, 2025

At the onset of the meeting Ms. Olsen explained that the Planning & Zoning Commission heard the Application on August 13, 2025 and one (1) Appeal was timely filed pursuant to Bingham County Code 10-10-2 and the filing fee has been paid.

Ms. Olsen presented staff report for the record.

Chairman Manwaring stated that he was involved with the initial decision on the subject Confined Animal Feeding Operation and has been disappointed with how things turned out with the conditions that were put in place. Chairman Manwaring asked Ms. Olsen if when Planning & Development was contacted in regards to the complaint on the trees when they began to die over a few years, an individual from the county conducted an inspection on the complaint. Ms. Olsen stated the original Conditional Use Permit was granted in 2018 and there have been various complaints or inquiries on the status of the operation. Ms. Olsen stated that Planning & Development did find that the berms of trees were in poor condition and that there may be construction occurring on the property such as grain bins, movement of corals and potentially sheltered structures, wherein there was no building permit for those structures. Therefore, Planning & Development reached out to Mr. Hepton, owner of the feedlot, and advised that the structures did require building permits. Mr. Hepton stated that he was under the assumption that the structures were ag exempt. Since that time, Planning & Development has permitted all of the structures on the property and did disclose to Mr. Hepton, the conditions of the original Conditional Use Permit, specifically the trees and the berm area. Ms. Olsen stated that Planning & Development has been working with Mr. Hepton on how that will be completed under the new Conditional Use Permit.

Commissioner Jackson asked Ms. Olsen if during that time the animal units were the same as the previous owner or if there was an increase, to which Ms. Olsen stated that the animal unit numbers were not investigated nor verified.

Chairman Manwaring stated there was confusion in regards to the animal units because the previous owners' operation was going to be a cow/calf operation in a feedlot, which requires more space. In review of the information and the new owner, there were calves brought in to the feedlot not realizing that is how the Conditional Use Permit was permitted and was not followed.

Commissioner Jensen within the information it states a 4500 cow/calf pair and asked if that was 4500 mother cows plus the calves, wherein Ms. Olsen confirmed that was correct. Ms. Olsen stated it would be 9,000 head capable, which is the equivalent of 5,400 animal units. Further conversation was held as to how animal units are determined.

Commissioner Jackson asked if the animal units permitted by Planning & Zoning Commission was 8,200, wherein Ms. Olsen stated that was correct and however many head of mother cows or 500-pound calves, whatever the configuration of headcounts, that could not exceed 8,200 animal units. Commissioner Jackson asked Ms. Olsen to explain the increase being requested over the amount that was previously permitted. Ms. Olsen explained in July of 2018 the Howe's, were the prior owners, were permitted 5,400 animal units and the new owner is asking for 11,000 animal units but received a Conditional Use Permit approval for 8,200 animal units.

Commissioner Jackson asked Ms. Olsen what the detriment would be to the surrounding property owners that are in opposition, wherein Ms. Olsen stated in looking at the existing operation, Mr. Hepton reported there were approximately 7,500 head at the time in which the Application was applied for in August. Ms. Olsen stated the surrounding property owners have to live within one (1) mile of the CUP property boundaries and are contending that with the increase in cattle that has been occurring without a Conditional Use Permit, from new ownership in 2022 until a Conditional Use Permit was required for said increase in 2025, that the increase in operations has created the nuisances of odor, flies, dust, allegations of reduced property values, amongst other like nuisances.

Commissioner Jackson asked if there would be an increase with environmental issues due to the increased number, wherein Ms. Olsen stated that she would defer to the Nutrient Management Plan, which addressed how manure is handled, how the lagoons are lined, how waste is stored and removed, scraping of

culmination of manure and waste. Ms. Olsen stated the Nutrient Management Plan is specific and only regulated by the State Department of Agriculture. Therefore, even with the code enforcement team, Bingham County cannot regulate or site Mr. Hepton for not following criteria that is not within its regulations. Ms. Olsen stated in looking at Bingham County Code, there are sections within the Conditional Use Permits to minimize the effect on adjacent properties for noise, odor, pollution and other nuisances that may lead to disruption. Ms. Olsen stated within the testimony provided by Mr. Hepton, there are samples taken from their lagoons and regulated inspections from the State Department of Agriculture and that Mr. Hepton testified that he did not believe there were any issues or was not made aware of any issues by the state. Ms. Olsen stated those inspections occur twice per year.

Commissioner Jensen asked if some of the dust could be from the new groomed corrals that were installed so that they drain correctly, as he noticed in some of the testimony that the applicants had worked vigorously to get the corrals to drain correctly to pond 1 and 2. Commissioner Jensen stated there was also testimony provided that once there are more cattle per corral, it tends to mitigate the dust. Ms. Olsen stated in reviewing the testimony on behalf of Mr. Hepton, he did state that he has been doing a large amount of work in the corals and areas to make corrals of smaller size and the reason being is that the more cattle there are, the less room they have to move around and become restless, which creates lots of dust. Ms. Olsen stated there has been construction that occurred this summer in those areas, which will take the next summer of operation to fully understand the impact of those corrals. Mr. Hepton also offered to put in a water spray cannon in that coral area during the months then the winds or high and the dust is generated at a higher level than normal, to help mitigate the dust and that was placed as a condition from the Planning & Zoning Commission, that there be dust abatement. If the Planning & Development Division finds that this is not being complied with, through a complaint, it could be required that there be dust suppressant chemical or other application to aid in dust mitigation.

Chairman Manwaring referred to the letter received from the Department of Environmental Quality, which stated that a Confined Animal Feeding Operation (CAFO) are regulated by the Idaho State Department of Agriculture (ISDA) under Governing Beef Cattle Animal Feeding Operations (IDAPA 02.04.45) and Rules Governing Environmental and Nutrient Management (IDAPA 02.04.30). These rules outline the requirements for beef cattle feeding operations regarding environmental protection, nutrient management planning, and permitting which may be required under the Idaho Pollutant Discharge Elimination System (IPDES). DEQ encourages the permittee to contact ISDA for more information regarding the applicable rules for such operation. A beef cattle feedlot of this size would be classified as a large CAFO under IDAPA 02.04.15.010.08. DEQ strongly encourages the county to contact ISDA to request a CAFO site advisory team evaluation of all CAFO's prior to approval. Chairman Manwaring stated within testimony, it was mentioned that the owner does not have a problem with the County conducting an inspection so long as it is when the State Department of Agriculture is present also.

Chairman Manwaring asked Ms. Olsen how often does the State Department of Agriculture conduct an inspection, wherein Ms. Olsen stated those inspections occur twice per year. Chairman Manwaring asked if the Code Enforcement Officer for the county would conduct inspections, wherein Ms. Olsen stated that she would not have an issue with that occurring and that it would be appropriate. Ms. Olsen stated in preparation for this application she completed research with other counties to see how regulated they are and if they do go on site to conduct headcounts or if they require a third party to conduct headcount, wherein she did not find that this occurred in any other county except for Gooding County who has a Code Enforcement Officer that visits each feedlot property for a headcount inspection and making sure conditions are complied with.

Chairman Manwaring asked Commissioner Jackson and Commissioner Jensen if they had an issue with the Code Enforcement Officer conducting a site visit, if the application is approved, to which there was no concern. Commissioner Jackson stated that he would be in favor of that proposal and stated that Ms. Olsen read that the county has the right to call a team from the State Department of Agriculture and asked if that had been done. Ms. Olsen stated that she is unaware, in 2018 when the operation received a Conditional Use Permit, if a sighting team from the Department of Agriculture was dispatched to the property but it would be her understanding that likely did not occur as she believes that it has been a dairy or a feedlot in that location for a number of years. Those sighting teams are for new operating operations and if the county

were to receive an application to create a CAFO on ground that is going to be converted from its current agriculturally status or lava rocks, to a CAFO site, that team reviews the site in person and through research to determine if that site is appropriate. Ms. Olsen stated where the subject property is an existing operation, she does not believe that is applicable.

Commissioner Jensen stated that he would encourage when the headcount does occur, that it takes place while feeding is occurring that way all of the cattle are lined up along the feed bunks. This would be beneficial so that the individual conducting the count does not have to get out of the vehicle as that may cause irreparable harm not only to the animals but the facility if the cattle were to spook and run. Commissioner Jensen stated the less disruption to the cattle on the feedlot, the better.

Chairman Manwaring reviewed the general requirements of a CAFO and are subject to the following requirements:

1. A Conditional Use Permit is required for all new CAFOs or the expansion of an existing CAFO that constitutes a significant change.
2. Zones allow CAFOs are listed on the land use chart in this title.
3. A CAFO shall comply with and not be in violation of any Federal, State or other local laws, regulations, or guidelines.
4. Odor management and pest control shall meet and utilize the most current Idaho Department of Agriculture Best Management Practices.
5. Other applicable DEQ or EPA regulations.

Next, Chairman Manwaring reviewed the required setbacks for CAFOs or Expansion of Existing CAFO, which were lined out on page 7 of the Planning & Zoning Commission Staff Report.

Chairman Manwaring reviewed the Confined Animal Feeding Operation Maintenance and Management practices, which came from the Application materials and the Nutrient Management Plan, which were lined out on page 8 of the Planning & Zoning Commission Staff Report and were as follows:

Abatement for Insects: In order to control the fly population, the following will be used:

- Use of feed additives to reduce the reproduction of flies in the manure.
- Grooming the corrals to ensure good drainage to reduce any wet spots or stagnant water that would serve as a breeding ground for flies and mosquitoes.
- Scraping feed alleys to remove manure and transport it to the corrals or storage, where it can be dried to reduce feed and breeding habitat.

Chairman Manwaring stated when there are big operations and the manure is being turned several times, it helps with drying.

- Implement a fly control program utilizing biological controls such as parasitic wasps and nematodes to reduce fly populations.
- Control weeds and vegetation that would provide habitat for fly reproduction.

Chairman Manwaring stated there are a lot of things that have been discussed in order to reduce the issue with flies and insects.

Commissioner Jackson asked if there is proof that the Applicant has followed these practices, wherein Chairman Manwaring stated it is unknown but that is why the state conducts inspections to be sure the practices are being followed. Commissioner Jackson confirmed that this operation was under a Nutrient Management Plan with the previous owner, wherein it was stated that the new owner is not bound by the Nutrient Management Plan of the previous owner.

Ms. Olsen stated that is the purpose of the Application before the Board today is because there has been a change of ownership. Ms. Olsen stated there are two components to a CAFO, there is a county permit and a state plan, wherein both are required. Ms. Olsen stated in 2022 when the change of ownership occurred, there was an application to the state for a new plan based upon how the new owner wanted to operate and there was an increase in animal units. The Howes had 5,400 animal units and when Pingree Trust acquired the property, they obtained a new plan in 2023 through the state and had requested an increase in cattle to 7,425 animal units, which is approximately 10,000 head. The Pingree Trust should have come to the County in 2023 and received a new Conditional Use Permit but that did not occur until 2025, from a cow calf operation to a straight animal unit operation. Commissioner Jackson asked if this occurred due to a complaint or if the Applicant approached on his own, to which Ms. Olsen confirmed it was complaint driven.

Ms. Olsen stated in 2025 the Applicant went to the state again and requested for a new plan for an increase in cattle from 7,425 animal units to 11,000 animal units. Ms. Olsen stated it is not uncommon to have a special use permit for a certain number of cows and a Nutrient Management Plan for a higher number of cows and the reason being is that management plan is to show how the operation should be managing cattle, ground, feeding, waste and how many cows can the feeding and waste management operation support. Ms. Olsen stated with the number of acres and the way the operation is detailed in the Nutrient Management Plan, the Applicant is proposing that they can house up to 11,000 animal units. The State reviewed the proposed Nutrient Management Plan and has approved the same. However, the Board can be more restrictive in what is allowed on that property. The Planning & Zoning Commission found that 8,200 animal units would be more appropriate than granting the full request.

Chairman Manwaring continued to review the Confined Animal Feeding Operation Maintenance & Management Practices, which was as follows:

Abatement for Animal Pests:

Keeping feed storage areas contained and cleanup of feed spillage will discourage birds and rodents from frequenting the CAFO. When the numbers of birds increase, contact will be made with the USDA Wildlife Services in Gooding to obtain assistance in controlling the bird population. Animal damage control also serves as a sources of materials that can be used to control rodents. While the number of rodenticides is limited and requires a restricted-use pesticide license, there are still products available to assist in controlling these pests.

Abatement for Plants:

The control of weeds requires an ongoing effort and are important for insect control, rodent control, and aesthetics. Annual weeds are best controlled using chemical treatment in the spring or early in the growing season. Chemical control of perennial weeds has the best results when done in the fall.

Berming:

The facilities will be protected from run-off leaving the property by Berming the south and west side of the animal housing areas. The general slope is to the north and west. The berms on the west will be tall enough to contain any run-off within the corrals. ISDA personnel will be responsible for monitoring construction and provide final approval of the lining in the berms. A copy of the ISDA's personnel will be responsible for monitoring construction and provide the final approval of the lining in the berms. A copy of the ISDA's Livestock Waste Facility Construction Guidelines are included with the Applicant's materials.

Dust Control:

Feed storage at strategic locations around the facility can help control dust. The pens are small and will limit milling by the cattle. The animals are small, which will also be beneficial. If dust from the road becomes an issue, applying water to the corrals with sprinklers will be beneficial. Water with a watering truck around

the hutch area will be beneficial as well. Storage of feed and strategic locations around the facility can help in controlling dust by disrupting the flow of air through the facility. Feed storage, such as haystacks on the downwind side of the facility, can help trap dust on the property and reduce the amount that leaves the facility.

Commissioner Jackson stated in reviewing the testimony in opposition, the dust control was prevalent for those that are in opposition of the application and there are multiple photographs and testimony in regards to the dust issue in the area. Commissioner Jackson stated there was mention of new construction occurring and anytime that dirt is moved, it takes time for the dirt to crust over but with cattle constantly milling around in it constantly could cause issues.

Commissioner Jensen stated that the feedlot does not want dust either due to dust pneumonia in the cattle but that is hard to do with mother nature.

Fumes: Other than some odorous emissions from the manure during times of wet weather, there should be no fumes that come from the facility.

Manure Management: The manure will be land applied to cropland owned by the neighbor (Wada Farms) and exported to farms as needed. As per the value that has been approved by the ISDA, an estimated 20% of the manure will remain in the corral to be used for mounding. If there comes a time when the mounds must be removed, additional land application sites must be secured for the additional manure. If mounds are removed for land application, the mounds must be tested since over time the concentration of phosphorus is likely to increase due to the biodegradation of the carbon materials in the manure which would be converted into volatile substances while the phosphorus would remain. The mounds will consist of straw and manure that provides an elevated and dry place for cattle to rest during times of wet weather. The corral manure will be removed primarily in the fall if the situation dictates spring manure removal may also be done.

Commissioner Jackson asked if there was a composting procedure put in place for the operation, wherein Chairman Manwaring stated there are some areas where manure is hauled wet to corners of fields and then bring in aerators to compost, which will be stored in another property. Chairman Manwaring stated that the Appellants talked about manure being transported down the road and spilling but the owner of the feedlot could be cognizant of that and not overfill loads and spilling manure on the roadway.

Mortality Management: Mortalities are handled through the local rendering facility. There are occasions when the rendering company is unable to pick up animals within the prescribed 72 hours after death. In those cases where pickup of the animals by the rendering company is not possible within 72 hours, the animal will be buried as follows in accordance with IDAPA 02.04.17- Rules Governing Dead Department of Agriculture Animal Movement & Disposal, as specified in item number 04; which says: Dead animals shall be buried to such a depth that no part of the dead animal shall be nearer than three (3) feet to the natural surface of the ground. Every part of the dead animal shall be covered with at least three feet of earth. The location of the burial site shall be:

- At least three hundred (300) feet from any wells, surface water intake structures, and public or private drinking water supply lakes or springs.
- At least three hundred (300) feet from any existing residences.
- At least fifty (50) feet from property lines.
- At least one hundred (100) feet from public roadways.
- At least two hundred (200) feet from any body of surface water such as a river, stream, lake, pond, intermittent stream, or sinkhole.
- Burial sites shall not be located in low-lying areas subject to flooding, or in areas with a high-water table where the seasonal high-water level may contact the burial pit.

Chairman Manwaring confirmed with Ms. Olsen that there were no issues with flooding and Ms. Olsen stated that the subject property is not located within a designated floodplain.

Noise:

The primary source of noise on adjoining property may include animals, which require the use of feed trucks passing by the feed bunks delivering feed. Daily normal hours of animal feeding are from 7:00 a.m. until 6:00 p.m. There would be some noise when the trucks are being loaded with feed by heavy equipment. In addition, there would be some noise when the feed mill is operating.

Odor:

Odors from livestock production facilities originate from three primary sources, which are animal housing, manure storage facilities, and land application of livestock manure. Factors that influence the dispersion of odors include wind speed, direction of wind, topography, distance to the detector, and water conditions. Additional factors are the number of animals, species, ventilation rates, type of feed, type of manure storage, and manure handling and management. There are four different ways natural windbreaks can be used to reduce odors which are detailed

Chairman Manwaring reviewed the listed techniques that will be used to help reduce odor, which were as follows:

- Manage corral and housing areas by grooming corrals to promote drainage and increase drying. Dry corrals reduce anaerobic conditions.
- Apply solids dry. Reduce anaerobic conditions, which favor odors. Reduce soil compaction. Immediate incorporation reduces odor emission and nutrient loss.
- Increasing the use of digestible feedstuffs.
- Increasing the use of specific amino acids and reducing the protein content of rations.
- Using exogenous enzymes to increase digestion.
- Formulating diets closer to the National Research Council's animal nutritional requirements.
- Using new feed processing technology to increase digestibility.
- Altering animal utilization of nutrients by using growth promoters.

Commissioner Jackson asked who would be in charge of making sure that the Applicant is following these items, wherein Chairman Manwaring stated it would be the State Department of Agriculture will conduct inspections to be sure the Nutrient Management Plan is being followed.

Ms. Olsen reiterated that it is the State Department of Agriculture that sets the best practices and would encourage compliance but anytime there is a complaint or concern about something that is regulated by the state and not the county, there is an online form for submission to the state. That complaint will be provided to the local inspector who will determine if an inspection or site visit is necessary.

Chairman Manwaring reviewed 10-8-3: Review of Application for a Conditional Use Permit.

Commissioner Jackson referred to Page 12 of 18, of the Planning & Zoning Commission Staff Report, number 2, it states the specific purpose of this plan is to promote the health, safety and general welfare of the people of the county, specifically section (a), which states to protect property rights and the use of property while not adversely impacting neighboring property values more than is necessary. Commissioner Jackson stated in reading the testimony in opposition and the Appeal, they feel that their property values have been decreased due to the odors, dust and other items. Therefore, without adversely impacting neighboring property values more than is necessary. Commissioner Jackson stated he feels that there has been an effect of property values and the life of the neighboring properties.

Chairman Manwaring stated that every property owner has their own property rights and to him a lot of the issues were from the previous owner and the conditions, specifically the dust control and the trees were not watered. Chairman Manwaring stated that part of the issue was the Applicant being a good neighbor and reducing the smell, dust and noise. There is a new Applicant currently and it could be a different scenario than what occurred in the past. Commissioner Jackson stated there were individuals who were okay with how things were previously but do not want to see an increase in the amount of cattle due to the fear of increased odor, dust and other nuisances.

Chairman Manwaring further reviewed Section 10-8-3: Review of Application and discussion was held in regards to there not being septic system indicated on the site plan, catch basins and lagoons have been implemented, which would help manage stormwater runoff and ensure proper drainage. Chairman Manwaring stated that information states that there are two wells on the feedlot; one is located near the parking area, and one near corral B-6. The existing water rights for the property include water right number 35-7212-B which authorizes 33-acre feet of water for stock water use, an additional water right 34-14598 authorizes an additional 79.4-acre feet of stock water for a total of 112.4-acre feet of stock water, which is less than the requirements to meet the needs of the cattle.

In addition to this water right, another water right 35-13283 authorizes an additional 401-acre feet for irrigation use. Since 55-acres of cropland have been removed from production when the corrals have been built, the water used for irrigation will be transferred from irrigation use to stock water use. Water rights for 55 acres would be 220-acre feet of water (IDWR water rights authorize 4-acre feet per acre).

When preparing the application, it was discovered that the water rights for the property had never been transferred to the new owner. Upon approval of the CAFO CUP, the Applicant will proceed with making the change of use from irrigation to stock water and will transfer the ownership information to Pingree I and Pingree II Trust. Chairman Manwaring stated that was one of the conditions put in place by the Planning & Zoning Commission.

Commissioner Jackson stated that he would like a 2-3-year time period in which the applicant will need to prove that they can follow the Nutrient Management Plan and conditions. Chairman Manwaring reiterated that there will be an inspection conducted 2 times per year to be certain that the conditions are being met.

Discussion was held in regards to the number of animal units, wherein Chairman Manwaring stated that Planning & Zoning Commission decreased the number from what was requested to 8,200 and if things run properly, the Applicant could request an additional increase in animal units. Commissioner Jackson asked if with the 8,200, that was an increase to what has been on the property from the previous owner or is it a

decrease. Ms. Olsen stated that Mr. Hepton testified at the hearing in August that there were approximately 7,000 animals presently. Commissioner Jackson asked if those were cows, calves or animal units, to which Ms. Olsen read from the Reason & Decision of the Planning & Zoning Commission, which states that Commissioner Adams asked what percentage of growth there is from the approved CUP to the requested 11,000 animal units. Mr. Hepton stated that 4,500 cow/calf pairs were approved and that there are currently at 7,000 animals and based on a true rate, they are roughly in the middle. Mr. Hepton explained that the plan is to have a combination of grower cattle and finished cattle, that they do not want to grow beyond the 11,000 animal units, and are not looking to expand in the future.

Further conversation was held in regards to the conditions that were put in place by the Planning & Zoning Commission, which were as follows:

- 1) Total Animal Units shall not exceed eight thousand two hundred (8,200)

Chairman Manwaring stated that he was in favor of the condition placed by Planning & Zoning Commission, to not exceed 8,200 animal units. Commissioner Jensen concurred with Chairman Manwaring. Commissioner Jackson stated that he would like to see the animal units remain as is until there is proof of functional operation and that the Applicant will comply with their Nutrient Management Plan.

- 2) Abide by the current Nutrient Management Plan (NMP) approved by the State of Idaho Department of Agriculture. The Applicant shall provide a copy of any updated or modified NMP when received from the Department.

Discussion was held in regards the potential of placing a condition that the Applicant should provide, to the county, proof of its compliance or bi-annual progress report which would state what precautions are being taken in order to comply with the Nutrient Management Plan. Also, that notice of said inspection by the State of Idaho Department of Agriculture should be provided to the Planning & Development Services, within a reasonable time, in order for them to attend.

- 3) Install a tree windbreak to act as a visual barrier, reduce dust, and disperse and absorb odor gases. Tree windbreaks shall be placed on the north, east, and south boundaries of the feedlot.

Chairman Manwaring stated there was discussion in regards to installing a fence but trees would help with the dust and would help absorb odors and gases. Chairman Manwaring stated it should be part of the decision, the size of the berm, height and width, along with choosing a fast-growing tree and that there will be water to take care of all requirements. Commissioner Jensen stated that he would suggest that the water used should be fresh water that are used to water the trees and that if runoff water is used, it will kill the trees. Commissioner Jensen added that there should be verbiage that if the trees die, those would be removed and new trees would be planted. Chairman Manwaring and Commissioner Jackson concurred.

- 4) Store cull/waste potatoes in a manner that reduces odor.

Chairman Manwaring stated in the previous Application, the issue was in the summertime the culled potatoes would start to break down and running into the gutter of the road. Chairman Manwaring stated to alleviate that, they started mixing culled potatoes with hay sileage, in order to stop the runoff mess and odor. Commissioner Jensen stated that he would encourage to surround the potatoes with straw the best that could be done or on top of the potatoes to provide a barrier.

- 5) Administer fly abatement methods or insect treatments as needed.

Chairman Manwaring stated the Applicant should follow their Nutrient Management Plan, wherein use of insecticide was mentioned and that it should be reiterated to follow the abatement for insects within the plan.

- 6) Dust Mitigation shall be administered by applying water, via a water spray truck or sprinkler, on all gravel or dirt roads and corral areas as needed to mitigate dust. If water application is insufficient,

the Applicant shall apply a dust suppressant chemical. Verification of the chemical application may be requested by Planning and Development Services.

The Board had no concerns. Chairman Manwaring stated that end guns in the corrals would assist in decreasing the dust as well.

- 7) The Applicant shall proceed with making the change of use from irrigation to stock water and will transfer the ownership information to Pingree I and Pingree II Trust. Verification of the change of use and ownership will be provided to Planning & Development Services.

Chairman Manwaring stated it is important to be sure that water ownership is transferred through Idaho Department of Water Resources.

Chairman Manwaring asked Commissioner Jackson and Commissioner Jensen if there were any other conditions that they would like to place, if approved/modified.

Commissioner Jensen stated that along with applying fly control chemical, he would suggest using digestors to assist. Commissioner Jackson stated that it would be hard to regulate the use of digestors. Commissioner Jensen stated that proof of purchase could be sufficient.

Chairman Manwaring stated it should be added within conditions that the county see the progress report in conjunction with the site visit by the state to see how the operation is functioning and suggested August to show compliance of conditions.

Mr. Rogers stated in previous conversation it was discussed setting timelines in which conditions should occur, such as a timeline for planting trees.

Chairman Manwaring referred to the condition regarding trees and referred to requirements for a berm to be placed, which would also assist with protecting the trees. Commissioner Jackson stated that he agreed and it should be specified with a minimum of 6-foot-wide and 4 foot high. Chairman Manwaring suggested by July or August, to have trees planted and is to be shown on progress report. Chairman Manwaring suggested that a potential condition could be that the Applicant visit with an expert/arborist on trees to see which type of tree and spacing would be more effective and fast growing to make a good barrier.

A final review was held in regards to the proposed conditions and Chairman Manwaring entertained a motion for the record.

Decision: Commissioner Jensen moved to uphold the Planning & Zoning Commission decision to approve with modifications of the conditions put in place, which are to be as follows:

- 1) **Total Animal Unit shall not exceed eight thousand two hundred (8,200)**
- 2) **Abide by the current Nutrient Management Plan (NMP) approved by the State of Idaho Department of Agriculture and the Applicant shall provide a copy of any updated or modified plans, along with providing proof of compliance of NMP with receipts.**
- 3) **Install a tree windbreak to act as a visual barrier, reduce dust, and disperse and absorb odor gases. Tree windbreaks shall be placed on the north, east, and south boundaries of the feedlot, with a four-foot-tall and six-foot-wide, with trees planted on top with weed barrier to mitigate weeds. Commissioner Jensen added that fresh water is to be used to water the trees and the Applicant is to contact an arborist to see the best type of tree to use and spacing to have. If the trees die, they are to be removed and replanted.**
- 4) **Store cull/waste potatoes in a manner that reduces odor by stacking straw or hay bales around the pile, if possible to have straw placed over the pile to cover and reduce smells.**
- 5) **Administer fly abatement methods or insect treatments as needed and as stated in Nutrient Management Plan, to use additives to reduce production of flies in manure. Grooming the corrals to ensure good drainage to reduce wet spots, stagnant water, scraping the feed alleys to remove manure and transport it to the corrals or storage, where it can dry,**

implement a fly control program utilizing biological controls such as parasitic wasps and nematodes to reduce fly populations and control weeds and vegetation that would provide habitat for fly reproduction. Also, that the Applicant will provide, to the county, provide proof of purchase of the products as stated.

- 6) Dust Mitigation shall be administered by applying water, via a water spray truck, or sprinkler, on all gravel or dirt roads and corral areas as needed to mitigate dust. Also, that end guns will be placed within the corrals to mitigate dust. If water application is insufficient, the Applicant shall apply a dust suppressant chemical. Verification of the chemical application may be requested by Planning and Development Services.
- 7) The Applicant shall proceed with making the change of use from irrigation to stock water and will transfer the ownership information to Pingree I and Pingree II Trust, through the Idaho Department of Water Resources. Verification of the change of use and ownership will be provided to Planning and Development Services.

Chairman Manwaring asked Commissioner Jensen to amend the motion in order to add that the progress reports shall be provided to the county by the second week in August to show that conditions are being met.

Commissioner Jensen amended his motion to add condition 8) that the Applicant will provide a progress report by late July or early August to show that conditions are being met.

Mr. Rogers stated there was discussion held in regards to notifying Planning & Development of any dates for State Inspections, with reasonable notice.

Commissioner Jensen amended his motion to add to condition 8, that the Applicant will give Planning & Development reasonable notice of any State Inspections to be held.

Chairman Manwaring seconded. The motion and amendments made by Commissioner Jensen.

All in favor if approval. Chairman Manwaring and Commissioner Jensen.

All opposed. Commissioner Jackson, who stated that he was in opposition by reason of the hazardous or disturbance to existing or future neighboring uses that will be detrimental to persons, property or to general welfare of the public by reason of excessive production of fumes, odors or other pollutants, and that he does not believe that there should be an expansion to an operation that has not proved itself to be reliable or proving that it can meet conditions.

Regulatory Takings: Additionally, the Applicant may request a regulatory takings analysis as per Idaho Code Section 67-8003. An affected person aggrieved by a final decision concerning matters identified in Section 67-6521(1)(a), Idaho Code may within twenty-eight (28) days after all remedies have been exhausted under local ordinance, seek Judicial Review as provided by Chapter 52, Title 67, Idaho Code.

THE MOTION PASSED TO DISMISS UNTIL FRIDAY DECEMBER 19 2025



PAMELA W. ECKHARDT, CLERK
Lindsey Gluch- Commission Clerk



WHITNEY MANWARING, CHAIRMAN

STATE OF IDAHO)
 : ss. Friday, December 19, 2025
County of Bingham)

THE BOARD OF BINGHAM COUNTY COMMISSIONERS MET IN REGULAR SESSION. The following matters were considered:

PRESENT: Chairman Manwaring
 Commissioner Jensen
 Lindsey Gluch- Commission Clerk
Excused: Commissioner Jackson

CLAIMS

Claims were approved in the amount of \$177,421.96.

PERSONNEL ACTION FORMS

The Board approved Personnel Action Forms, which were as follows:

Salary Increase Form: Database Records Specialist
 Database/Records Clerk
 Patrol Deputy
 Patrol Deputy
 Deputy Clerk/Financial

COLLEGE OF EASTERN IDAHO

The Board approved one (1) Certificate of Residency document and sent it to the College of Eastern Idaho for the following Bingham County student: Nicole J. Streeper.

Decision: Commissioner Jensen moved to approve Cash Warrants, Claims, Administrative Documents and Personnel Action Forms. Chairman Manwaring seconded. Both voted in favor. The motion carried.

MEETING TO REVIEW PROPOSED FEE INCREASE FOR THE PLANNING & DEVELOPMENT SERVICES DEPARTMENT AND REQUEST TO CLOSE THE OFFICE ON CHRISTMAS EVE-SUBMITTED BY TIFFANY OLSEN- PLANNING & DEVELOPMENT DIRECTOR

Present: Tiffany Olsen- Planning & Development Director
 Paul Rogers- County Legal Counsel.

The Board met to review proposed fee increases for the Planning & Development Services Department and the request to close the office on Christmas Eve.

Ms. Olsen presented the proposed fee increases and stated this would be scheduled for Public Hearing at a later date.

Ms. Olsen requested to close the Planning & Development office on Christmas Eve and that all staff members would use 8 hours of paid time off. The Board had no concerns.

Decision: Commissioner Jensen moved to approve and allow the Planning & Development Office to close on Christmas Eve and all staff members would use 8 hours of paid time off. Chairman Manwaring seconded. Both voted in favor. The motion carried.

RP2168715	Year 2025	Homeowner signed up for Homeowners Exemption in 2025
RP/MH0156910	Year 2025	Homeowner signed up for Homeowners Exemption in 2025
MH0304200A	Year 2025	RV was registered in Nevada for 2025. Owner provided proof
MH352s32iw035A	Year 2025	Owner registered his RV with DMV
RP0177509	Year 2025	Homeowner signed up for Homeowners Exemption in 2025
RP0248007	Year 2025	Homeowner signed up for Homeowners Exemption in 2025

Decision: Commissioner Jensen moved to approve Tax Inquiry Forms as submitted. Commissioner Jackson seconded. Both voted in favor. The motion carried.

APPROVAL OF REASON & DECISION FOR CEDAR ARCH DAIRIES CUP APPEAL

The Board met to approve and sign Reason & Decision for Cedar Arch Dairies CUP Appeal.

Decision: Commissioner Jackson moved to approve the Reason & Decision for Cedar Arch Dairies CUP Appeal. Chairman Manwaring seconded. Both voted in favor. The motion carried.

CLAIMS FOR THE PREVIOUS MONTH WERE APPROVED AS FOLLOWS:

Current Expenses	\$466,089.50	Weeds	\$8,918.63
Road & Bridge	\$259,645.59	Emergency Communication.....	\$15,465.51
Justice Fund	\$631,328.43	Road & Bridge Special Proj.....	\$3,908.68
District Court.....	\$283,866.35	Waterways.....	\$1,295.93
Parks & Recreation.....	\$10,922.45	Opioid Abatement.....	\$1,197.79
Revaluation.....	\$53,016.96	PILT.....	\$3,381.00
Solid Waste	\$285,198.39	Treatment Courts.....	\$4,348.23
Tort.....	\$8,821.00	Consolidated Elections.....	\$23,385.22
Veterans Memorial.....	\$1,439.35		

THE MOTION PASSED TO DISMISS UNTIL FRIDAY JANUARY 2, 2026



PAMELA W. ECKHARDT, CLERK
Lindsey Gluch- Commission Clerk



WHITNEY MANWARING, CHAIRMAN